E/2002/22
E/C.12/2001/17

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE TWENTY-FIFTH, TWENTY-SIXTH AND TWENTY-SEVENTH SESSIONS

(23 April-11 May 2001, 13-31 August 2001, 12-30 November 2001)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 2002

SUPPLEMENT No. 2

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ABBREVIATIONS

AIDS	Acquired immune deficiency syndrome
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross domestic product
GNP	Gross national product
HCCI	Haut conseil de la coopération internationale (High Council for International Cooperation, France)
HIV	Human immunodeficiency virus
ILO	International Labour Organization
IMF	International Monetary Fund
OECD	Organization for Economic Cooperation and Development
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
WIPO	World Intellectual Property Organization
World Bank	International Bank for Reconstruction and Development
WTO	World Trade Organization

CHAPTER I

Organizational and other matters

A. States parties to the Covenant

1. As at 30 November 2001, the closing date of the twenty-seventh session of the Committee on Economic, Social and Cultural Rights, 145 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant and the status of submission of their reports is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation.

3. At its twentieth session, held in Geneva from 26 April to 14 May 1999, the Committee, in response to Economic and Social Council decision 1998/293, reconsidered its requests from the sixteenth session in 1996 (extraordinary additional session, holding of the nineteenth session of the Committee in New York, payment of honoraria to members of the Committee, extraordinary session of the pre-sessional working group).[1] After careful discussion, the Committee resolved to proceed further with only one request, to which it accords highest priority, namely the Committee decided to invite the Council to approve an additional regular session to be held in New York.

4. The Economic and Social Council, having considered at its substantive session of 1999 the recommendation made by the Committee, adopted on 30 July 1999 decision 1999/287, consequently approved by General Assembly resolution 54/251 (Part IV) of 23 December 1999, concerning additional extraordinary sessions of the Committee. By this decision, the Council, concerned that existing meeting arrangements for the Committee no longer permitted it to fully discharge its responsibilities under the Covenant and Council resolution 1985/17 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as corresponding pre-sessional meetings of the working group of one week's duration during 2000 and 2001, respectively. The Council also requested that those sessions be entirely used for the consideration of reports of the States parties in order to reduce

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[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), chap. I, draft decisions I to IV.

the backlog of reports, and requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in this regard.

5. Accordingly, in 2001, the Committee held its twenty-fifth session from 23 April to 11 May, its twenty-sixth (extraordinary) session from 13 to 31 August and its twenty-seventh session from 12 to 30 November. All sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

6. An account of the Committee's deliberations at its twenty-fifth, twenty-sixth and twenty-seventh sessions is contained in the relevant summary records (E/C.12/2001/SR.1-29/Add.1, E/C.12/2001/SR.30-58/Add.1 and E/C.12/2001/SR.59-87 respectively).

C. Membership and attendance

7. All members of the Committee attended the twenty-fifth session. (For a list of members of the Committee, see annex II below.) Mr. Kenneth Osborne Rattray and Mr. Javier Wimer Zambrano attended only part of this session. All members of the Committee attended the twenty-sixth session. Ms. Virginia Bonoan-Dandan, Mr. Jaime Marchán Romero and Mr. Kenneth Osborne Rattray attended only part of this session. All members of the Committee, except Mr. Kenneth Osborne Rattray and Mr. Nutan Thapalia, attended the twenty-seventh session. Mr. Jaime Marchán Romero, Mr. Ariranga Govindasamy Pillay and Mr. Philippe Texier attended only part of this session.

8. The following specialized agencies and United Nations organs were represented by observers at the twenty-fifth session: FAO, ILO, IMF, UNAIDS, UNCTAD, UNDP, UNEP, UNESCO, UNHCR, UNICEF, WHO, WIPO, World Bank and WTO; at the twenty-sixth session: ILO, UNESCO, UNHCR; and at the twenty-seventh session: ILO, UNESCO, UNFPA, UNHCR, WHO, WIPO, World Bank and WTO.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the twenty-fifth session:

Special consultative status:	American Association of Jurists, Center for Economic and Social Rights, Habitat International Coalition, Inclusion International, International Commission of Jurists, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, Oxfam GB, Rights and Democracy, World Organization Against Torture;
Roster:	American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

At the twenty-sixth session:

Special consultative status: Center for Reproductive Law and Policy, Centre on Housing Rights and Evictions, Habitat International Coalition, Inclusion International, International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, International Women's Rights Action Watch, Japan Federation of Bar Associations, Rural Reconstruction Nepal, Shimin Gaikou Centre, Women's International League for Peace and Freedom, World Organization Against Torture;

Roster: American Association for the Advancement of Science, Congress of Racial Equality, FIAN - Foodfirst Information and Action Network, Lila Pilipina.

At the twenty-seventh session:

General consultative status: International Confederation of Free Trade Unions;

Special consultative status: Center for Economic and Social Rights, Centre on Housing Rights and Evictions, Colombian Commission of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of University Women, International Organization for the Development of Freedom of Education, World Organization Against Torture;

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

10. The following national and international non-governmental organizations were represented by observers at the twenty-fifth, twenty-sixth and twenty-seventh sessions: Adalah, the Legal Center for Arab Minority Rights in Israel, Association of Interdisciplinary Work (Colombia), Association of Korean Human Rights in Japan (Japan), Association to Protect Utoro (Japan), Buraku Liberation and Human Rights Research Institute (Japan), Centre for Legal and Social Studies (Argentina), Comissão Pastoral da Terra (Brazil), Congrès mondial amazigh (France), Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales (Switzerland), Corporación Región (Colombia), Department of Political Science, University of Hawaii (United States of America), Federación Nacional de Mujeres Campesinas de Bolivia "Bartolina Sisa", Forum for the Improvement of the Living Conditions of Old People in Need of Nursing Care in Germany, Grupo de Apoyo Pedagógico (Colombia), Hong Kong

Human Rights Commission, Hyogo International Human Rights Research Group (Japan), Institut interdisciplinaire d'éthique et des droits de l'homme, University of Fribourg (Switzerland), International Anti-Poverty Law Center (United States of America), International Network for Economic, Social and Cultural Rights (United States of America), International Women's Rights Action Watch (United States of America), Japanese Workers' Committee for Human Rights (Japan), Latin American and Caribbean Committee for the Defence of Women's Rights, Lawyers' Group for Philippine Victims (Comfort Women) (Japan), Lawyers' Group for Post-War Compensation for Koreans Living in Japan Who Are Japanese Military Veterans or Allied Civilian Personnel (Japan), Mouvement pour l'autonomie de la Kabylie (Algeria), National Movement for Health and Social Security in Colombia, National Women's Network (Colombia), Non-governmental Organizations Committee for Reporting on the International Covenant on Economic, Social and Cultural Rights (Japan), Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo (Colombia), "Pour que vivent nos langues" (France), Rencontre africaine pour la défense des droits de l'homme (Senegal), Rights and Humanity, Swedish NGO Foundation for Human Rights (Sweden), Venezuelan Programme for Education-Action in Human Rights, Women and Land Lobby Group (Zimbabwe), Working Women International Network (Japan).

D. Pre-sessional working group

11. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

12. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the twenty-sixth session:

Mr. Clément ATANGANA
Ms. Virginia BONOAN-DANDAN
Mr. Valeri KOUZNETSOV
Mr. Waleed M. SADI
Mr. Javier WIMER ZAMBRANO

Prior to the twenty-seventh session:

Ms. Rocío BARAHONA-RIERA
Mr. Dumitru CEAUSU
Mr. Abdessatar GRISSA
Mr. Philippe TEXIER
Mr. Nutan THAPALIA

Prior to the twenty-eighth session:

Mr. Mahmoud Samir AHMED
Mr. Valeri KOUZNETSOV
Mr. Giorgio MALINVERNI
Mr. Jaime MARCHÁN ROMERO
Mr. Waleed M. SADI

Prior to the twenty-ninth session:

Ms. Virginia BONOAN-DANDAN
Mr. Dumitru CEAUSU
Mr. Abdessatar GRISSA
Mr. Kenneth Osborne RATTRAY
Mr. Eibe RIEDEL

13. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 14 to 18 May 2001, from 3 to 5 September 2001, from 3 to 7 December 2001 respectively. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Election of officers

14. In accordance with rule 14 of its rules of procedure, the Committee, at the 1st meeting of its twenty-fifth session, elected the members of its Bureau, as follows:

Chairperson:	Ms. Virginia BONOAN-DANDAN
Vice-Chairpersons:	Mr. Clément ATANGANA Mr. Dumitru CEAUSU Mr. Eibe RIEDEL
Rapporteur:	Mr. Paul HUNT

F. Organization of work

Twenty-fifth session

15. The Committee considered its organization of work at its 1st meeting on 23 April 2001. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-fifth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2001/L.1/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions:[*] first (E/1987/28-E/C.12/1987/5), second (E/1988/14-E/C.12/1988/4), third (E/1989/22-E/C.12/1989/5), fourth (E/1990/23-E/C.12/1990/3 and Corr.1), fifth (E/1991/23-E/C.12/1990/8 and Corr.1), sixth (E/1992/23-E/C.12/1991/4 and Add.1), seventh (E/1993/22-E/C.12/1992/2), eighth and ninth (E/1994/23-E/C.12/1993/19), tenth and eleventh (E/1995/22-E/C.12/1994/20 and Corr.1), twelfth and thirteenth (E/1996/22-E/C.12/1995/18), fourteenth and fifteenth (E/1997/22-E/C.12/1996/6), sixteenth and seventeenth (E/1998/22-E/C.12/1997/10), eighteenth and nineteenth (E/1999/22-E/C.12/1998/26), twentieth and twenty-first (E/2000/22-E/C.12/1999/11 and Corr.1) and twenty-second, twenty-third and twenty-fourth sessions (E/2001/22-E/C.12/2000/21).

16. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting, considered the draft programme of work for its twenty-fifth session and approved it, as amended during consideration.

Twenty-sixth session

17. The Committee considered its organization of work at its 30th meeting on 13 August 2001. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-sixth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2001/L.2/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions (see para. 15 (*b*) above).

18. In accordance with rule 8 of its rules of procedure, the Committee, at its 30th meeting, considered the draft programme of work for its twenty-sixth session and approved it, as amended during consideration.

Twenty-seventh session

19. The Committee considered its organization of work at its 59th meeting on 12 November 2001. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-seventh session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2001/L.3/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions (see para. 14 (*b*) above).

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[*] Published as *Official Records of the Economic and Social Council*.

20. In accordance with rule 8 of its rules of procedure, the Committee, at its 59th meeting, considered the draft programme of work for its twenty-seventh session and approved it, as amended during consideration.

G. Next sessions

21. In accordance with the established schedule, the twenty-eighth session and twenty-ninth session would take place from 29 April to 17 May and from 11 to 29 November 2002, respectively.

H. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

22. The Committee, at its 29th meeting on 11 May 2001, decided that the following States parties' reports would be considered at its twenty-seventh session:

Initial reports

Croatia	E/1990/5/Add.46

Second periodic reports

Algeria	E/1990/6/Add.26
France	E/1990/6/Add.27
Jamaica	E/1990/6/Add.28

Fourth periodic reports

Sweden	E/C.12/4/Add.4
Colombia	E/C.12/4/Add.6

23. The Committee, at its 59th meeting on 12 November 2001, decided to consider the reports of the following States parties at its twenty-eighth session:

Initial reports

Czech Republic	E/1990/5/Add.47
Benin	E/1990/5/Add.48

Second periodic reports

Ireland	E/1990/6/Add.29
Trinidad and Tobago	E/1990/6/Add.30

Fourth periodic reports

United Kingdom of Great Britain and Northern Ireland	E/C.12/4/Add.5, E/C.12/4/Add.7, E/C.12/4/Add.8

24. The Committee, at its 87th meeting, on 30 November 2001, decided to consider the reports of the following States parties at its twenty-ninth session:

Initial reports

Slovakia	E/1990/5/Add.49
Solomon Islands	E/1990/5/Add.50
Estonia	E/1990/5/Add.51

Second periodic reports

Georgia	E/1990/6/Add.31

Fourth periodic reports

Poland	E/C.12/4/Add.9

25. The Committee also decided that it would review, at its twenty-ninth session, the implementation of the provisions of the Covenant in Greece, which had not submitted any report at all since its ratification of the Covenant in 1985, on the basis of any information that might be available to the Committee.

CHAPTER II

Overview of the present working methods of the Committee

26. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant (see chap. VI below, sect. A and B).

27. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 27 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

28. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines[2] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

29. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

30. The principal purpose of the working group is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[3]

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[2] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

[3] Ibid., *1988, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

31. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

32. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the working group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

33. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country profile as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the country files.

34. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee.

35. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Consideration of the report

36. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled to be present, and indeed their presence and participation are necessary at the meetings of the Committee when their reports are examined in order to ensure a constructive dialogue with the Committee. The following procedure is generally used: the representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report by clusters of articles (usually 1-5, 6-9, 10-12, 13-15), taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (*a*) raise issues outside the scope of the Covenant; (*b*) repeat questions already posed or answered; (*c*) add unduly to an already long list on a particular issue; or (*d*) speak more than five minutes in any one intervention. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

37. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period in closed session, the day after the conclusion of the dialogue, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

38. The concluding observations once formally adopted are usually not made public until the final day of the session. As soon as they are made public - at 6 p.m. of the closing day of the session - they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

39. In general, the Committee devotes three meetings (of three hours each) to its public examination of initial report and two meetings to examination of periodic reports. In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the consideration of reports

40. Last-minute requests by States to defer the consideration of a report which has been scheduled for examination at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

C. Follow-up procedure in relation to the consideration of reports

41. At its twenty-first session,[4] the Committee decided that:

(*a*) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(*c*) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(*d*) Any information provided in accordance with (*b*) and (*c*) above will be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

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[4] On 1 December 1999 (53rd meeting).

(*f*) If the information requested in accordance with (*b*) and (*c*) is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

42. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

43. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

44. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

45. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

46. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

47. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(*b*) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

E. Day of general discussion

48. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The issues which have been the focus of discussions held to date by the Committee may be found in annex XVI to the present report.

F. Other consultations

49. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

50. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

51. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. Participation of non-governmental organizations in the activities of the Committee

52. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it.[5] They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (*a*) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (*b*) be of direct relevance to matters under consideration by the Committee; (*c*) be reliable; (*d*) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

53. The Committee has requested the secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

H. General comments[*]

54. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

55. By the end of its twenty-seventh session, the Committee and the Sessional Working Group of Governmental Experts, which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 95 comprehensive reports. This work covered a significant number of the States parties to the Covenant, which totalled 145 at the end of the twenty-seventh session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far have illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

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[*] For the list of general comments adopted to date by the Committee, see annex XIV below.

[5] See *Official Records of the Economic and Social Council, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V: "Non-governmental organizations participation in the activities of the Committee on Economic, Social and Cultural Rights".

56. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

57. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights of the Covenant.[6] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues, to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

I. Statements adopted by the Committee

58. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Covenant. As at 30 November 2001, the Committee had adopted 13 statements, a list of which appears in annex XV to the present report.

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[6] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

CHAPTER III

Submission of reports by States parties under articles 16 and 17 of the Covenant

59. In accordance with rule 58 of its rules of procedure, the Committee, at its 59th and 87th meetings on 12 and 30 November 2001, considered the status of submission of reports under articles 16 and 17 of the Covenant.

60. In that connection, the Committee had before it the following documents:

(*a*) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(*b*) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 3 September 2001 (E/C.12/2001/14);

(*c*) Note by the secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/2000/3).

61. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its twenty-seventh session (see para. 69 below), he had received, as at 30 November 2001, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (E/C.12/4/Add.5, E/C.12/4/Add.7 and E/C.12/4/Add.8); second periodic report of Ireland (E/1990/6/Add.29); initial report of the Czech Republic (E/1990/5/Add.47); second periodic report of Trinidad and Tobago (E/1990/6/Add.30); initial reports of Benin (E/1990/5/Add.48) and Slovakia (E/1990/5/Add.49); fourth periodic report of Poland (E/C.12/4/Add.9); second periodic report of Georgia (E/1990/6/Add.31); initial reports of Solomon Islands (E/1990/5/Add.50), Estonia (E/1990/5/Add.51) and the Republic of Moldova (E/1990/5/Add.52); third periodic report of Luxembourg (E/1994/104/Add.24); second periodic report of Israel (E/1990/6/Add.32); initial report of Brazil (E/1990/5/Add.53); the second periodic report of New Zealand (E/1990/6/Add.33); third periodic report of Iceland (E/1994/104/Add.25) and fourth periodic report of the Russian Federation (E/C.12/4/Add.10).

62. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties is contained in annex I to the present report, together with an indication of the status of submission of their reports.

CHAPTER IV

Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

Twenty-fifth session

63. At its twenty-fifth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant.

64. The reports before the Committee at its twenty-fifth session were the following:

Initial reports

Honduras	E/1990/5/Add.40
China: Hong Kong Special Administrative Region	E/1990/5/Add.43
Bolivia	E/1990/5/Add.44

Second periodic reports

Venezuela	E/1990/6/Add.19
Republic of Korea	E/1990/6/Add.23

65. In accordance with the decision it took at its twenty-fourth session, the Committee examined - on the basis of information at its disposal - the implementation of the provisions of the Covenant in Togo, a non-reporting State.

66. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

Twenty-sixth session

67. At its twenty-sixth session, the Committee examined seven reports submitted by seven States parties under articles 16 and 17 of the Covenant.

68. The following reports were before the Committee:

Initial reports

Nepal	E/1990/5/Add.45

Second periodic reports

Japan	E/1990/6/Add.21 and Corr.1
Panama	E/1990/6/Add.24
Senegal	E/1990/6/Add.25

Third periodic reports

Syrian Arab Republic	E/1994/104/Add.23

Fourth periodic reports

Ukraine	E/C.12/4/Add.2
Germany	E/C.12/4/Add.3

Additional information

Israel	E/1989/5/Add.14

69. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties, with the exception of Senegal, whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

Twenty-seventh session

70. At its twenty-seventh session, the Committee considered six reports submitted by six States parties under articles 16 and 17 of the Covenant.

71. The Committee also considered the following reports:

Initial reports

Croatia	E/1990/5/Add.46

Second periodic reports

Algeria	E/1990/6/Add.26
France	E/1990/6/Add.27
Jamaica	E/1990/6/Add.28

Fourth periodic reports

Sweden	E/C.12/4/Add.4
Colombia	E/C.12/4/Add.6

72. In accordance with rule 62 of the Committee's rules of procedure, representatives of all States submitting a report were invited to participate in the meetings of the Committee when their reports were considered. All States parties, with the exception of Jamaica, whose reports were considered by the Committee sent representatives to participate in the consideration of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex XVIII to the present report.

73. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its twenty-fifth to twenty-seventh sessions.

Twenty-fifth session

VENEZUELA

74. The Committee considered the second periodic report of Venezuela on the implementation of the Covenant (E/1990/6/Add.19) at its 3rd to 5th meetings, held on 24 and 25 April 2001, and adopted, at its 19th and 23rd meetings, held on 4 and 8 May 2001, the following concluding observations.

A. Introduction

75. The Committee notes with satisfaction the presence of a large and high-level delegation and the cooperative spirit with which the delegation approached the constructive dialogue with the Committee. However, the Committee regrets the 10-year delay in the submission of the second periodic report as well as the delay in the submission of the written replies to the Committee's list of issues (E/C.12/Q/VEN/1). In addition, the Committee regrets that many questions put to the delegation received general, incomplete or vague answers.

B. Positive aspects

76. The Committee welcomes the adoption of the new 1999 Constitution, which incorporates a wide range of human rights, including a number of the economic, social and cultural rights enshrined in the Covenant, and the fact that article 23 of the Constitution accords with international human rights instruments, to which Venezuela is a party.

77. The Committee notes with appreciation the establishment of the National Plan for Human Rights of 1997, and the establishment of a national anti-poverty programme.

78. The Committee notes with satisfaction the establishment of an independent Ombudsman's Office.

79. The Committee notes with appreciation the adoption of the Law on Violence Against Women and Family in September 1998 and the Equal Opportunities for Women Act in October 1999, and the recent establishment of the autonomous National Women's Institute that will, among other things, gather statistics on the situation of women in Venezuela.

C. Factors and difficulties impeding the implementation of the Covenant

80. The Committee notes the severe floods suffered by Venezuela in 1999 and acknowledges the impact they have had on the capacity of the State party in guaranteeing the implementation of economic, social and cultural rights.

81. The Committee further notes that the recent economic recession and the adverse effects of structural adjustment programmes undergone by Venezuela in the past 10 years have restricted the ability of the State party to comply with its obligations under the Covenant.

D. Principal subjects of concern

82. The Committee is concerned at the State party's slowness in implementing its own National Plan for Human Rights and the Venezuelan society at large lacks awareness about rights enshrined in the Covenant.

83. The Committee is concerned that the ombudsman's office does not place adequate emphasis on the monitoring of the enjoyment of economic, social and cultural rights by the citizens of Venezuela, especially by the indigenous people, and that there is no case law relating directly to the provisions of the Covenant.

84. The Committee is concerned that the non-issuance of personal documentation to refugees and asylum-seekers by the State party's authorities seriously hinders their enjoyment of economic, social and cultural rights, including the rights to work, health and education. This situation prompted a decision by the Inter-American Commission on Human Rights in March 2001 ordering protective measures for 287 Colombian refugees.

85. The Committee deplores the discrimination against indigenous people, particularly with regard to access to land ownership, housing, health services and sanitation, education, work and adequate nutrition. The Committee is particularly concerned about the adverse effects of the economic activities connected with the exploitation of natural resources, such as mining in the Imataca forest reserve and coal-mining in the Sierra de Perijá, on the health, living environment and way of life of the indigenous populations living in these regions.

86. The Committee regrets the inadequacy of the information provided with regard to the implementation of articles 6 and 7 of the Covenant. The Committee is concerned at the high rate of unemployment and lack of job security for workers as hiring practices become more flexible, driving many workers into the informal sector.

87. Despite the stipulations in article 91 of the Constitution establishing the right of everyone to sufficient wages to support a worker and his family, and by which minimum wages are adjusted every year, the Committee is concerned that the minimum wage is still far short of meeting workers' basic requirements, and that there are disparities between urban and rural wages.

88. The Committee is concerned that following the national referendum of December 2000 on trade union reorganization, the entire leadership of the country's union federations and confederations was dismissed whereas only union members can elect or remove their leaders.

89. The Committee is alarmed about the high rate of domestic violence and the extent of child prostitution and trafficking in children, and regrets the lack of available statistics on the number of street children. The Committee is deeply concerned about the extent of the sex trade involving children and the inability of the State party to address these issues.

90. The Committee is deeply concerned that the efforts of the State party to improve the situation of its people are inadequate, and that there is still an alarmingly high level of poverty in Venezuela, especially among the indigenous peoples, and that economic, social and cultural rights are not integrated into the Government's anti-poverty programme.

E. Suggestions and recommendations

91. The Committee recommends that the State party seek advisory services from the Office of the United Nations High Commissioner for Human Rights concerning the overall implementation of the National Plan for Human Rights, and in particular the inclusion of economic, social and cultural rights of the Plan.

92. The Committee urges the State party to organize an awareness-raising campaign to educate the public at large on their economic, social and cultural rights, and to target in particular magistrates, police officers and other responsible officials.

93. The Committee encourages the State party to proceed with the adoption of the Act establishing the ombudsman's office and urges the ombudsman to attend closely to the promotion and protection of economic, social and cultural rights, in particular with respect to indigenous communities.

94. The Committee encourages the State party to ratify the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee recommends that the State party issue personal documentation to asylum-seekers in order to enable them to enjoy their basic rights under the Covenant and to apply the protective measures recommended in March 2001 by the Inter-American Commission on Human Rights.

95. The Committee requests the State party to provide, in its next periodic report, detailed information on the situation of indigenous peoples and on the efforts, if any, by the Government to acknowledge the specific economic, social and cultural rights of the indigenous people as a distinct minority group and to improve their situation, in particular in the Imataca forest reserve and the Sierra de Perijá.

96. The Committee also requests the State party to provide, in its next periodic report, more detailed information relating to articles 6 and 7 of the Covenant, including in particular an account of the role of labour inspectors, and urges the State party to implement the 1986 law on prevention, conditions and environment of work, which determines safe and healthy conditions of work.

97. The Committee recommends that the State party take effective action to reduce the unemployment rate by, inter alia, providing training for young people and protection against unwarranted dismissal for workers, and by conducting regular reviews of the minimum wage levels to enable workers to attain an adequate standard of living for themselves and their families.

98. The Committee calls on the State party to comply with the recommendation of the International Labour Office requesting the revocation of the decisions taken following the results of the referendum on trade union reorganization and to refrain from making hostile declarations against independent trade union federations. It also recommends that the bill in preparation afford all workers trade union freedoms as required by article 8 of the Covenant.

99. The Committee invites the State party to provide, in its next periodic report, updated statistics on the situation of women in Venezuela, in particular on the phenomenon of domestic violence, as well as on the status of implementation of the newly adopted Law on Violence Against Women and Family. The Committee urges the State party to take more effective measures to combat domestic violence against women and children.

100. The Committee also urges the State party to indicate, in its next periodic report, the problem of the measures it has undertaken to address the problem of street children and, in particular, the problem of their sexual exploitation.

101. The Committee further urges the State party to seek international technical assistance in the implementation of its anti-poverty programme.

102. The Committee requests the State party to provide, in its next periodic report, detailed information about the functioning of the social security system, the privatization of the health-care system and the integration of vulnerable groups, including indigenous people, into the health-care system.

103. The Committee recommends that the State party implement, with the assistance of UNESCO, a comprehensive National Education for All Plan as required by the Dakar Framework for Action, adopted at the World Education Forum in April 2000, and to

reflect in the plan articles 13 and 14 of the Covenant and the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant).

104. The Committee urges the State party to develop a more elaborate system of national statistics on all the rights enshrined in the Covenant. In particular, the Committee requests the State party to provide, in its next periodic report, information including relevant statistics on the incidence of violence, the general housing situation, forced evictions, and on the status of land reform in Venezuela. The Committee further recommends that the State party provide information on the steps taken in these respects.

105. The Committee requests that the State party disseminate these concluding observations as widely as possible among the State institutions concerned, as well as its citizens.

106. The Committee also requests the State party to address, in its third periodic report, the implementation of these concluding observations.

107. The Committee further requests the State party to submit its third periodic report by 30 June 2006.

HONDURAS

108. The Committee considered the initial report of Honduras on the implementation of the Covenant (E/1990/5/Add.40) at its 5th to 8th meetings, held on 25 and 26 April 2001, and adopted, at its 24th and 25th meetings held on 8 and 9 May 2001, the following concluding observations.

A. Introduction

109. The Committee welcomes the initial report of the State party, which was in general prepared in conformity with the Committee's guidelines, although submitted after many years' delay. The Committee welcomes in particular the open and frank nature of the constructive dialogue with the delegation and its willingness to answer the questions posed by the Committee.

B. Positive aspects

110. The Committee notes with satisfaction the assertion by the State party that the Covenant is part of national law and that it can be invoked before a court of law, although the delegation was not able to provide any examples of case law.

111. The Committee also notes with appreciation the State party's declaration of its support for an optional protocol to the Covenant.

112. The Committee takes note with satisfaction of the establishment of institutions, such as the *Fiscalías Especiales de Derechos Humanos* (special prosecutors for human rights), the *Instituto Nacional de la Mujer* (National Institute for Women), the *Consejerías de la Familia* (family counselling centres) and the Ombudsman, and the adoption of important laws in the field

of human rights, such as the *Ley de Igualdad de Oportunidades para la Mujer* (law on equal opportunity for men and women), the *Ley contra la Violencia Doméstica* (law on family violence) and the law on reproductive health.

113. The Committee takes note with appreciation of the family subsidy programmes that are intended to benefit the poorest and most vulnerable groups of the population, in particular children under 5 years of age, pregnant women and nursing mothers, and elderly persons.

114. The Committee also notes with appreciation that the percentage of the national budget allocated to education has increased continuously in the period 1996-2001 (from 12.95 per cent to 22.76 per cent).

115. The Committee notes with satisfaction that during the period 1996-2000, 345 basic education centres were created in the 18 regions of the country.

C. Factors and difficulties impeding the implementation of the Covenant

116. The Committee takes note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the fact that it is classified as a highly indebted poor country and that up to 40 per cent of its annual national budget is allocated to foreign debt servicing.

117. The Committee also acknowledges that the structural adjustment policies in the State party have negatively affected the enjoyment of economic, social and cultural rights by the population, especially the vulnerable and marginalized groups of society.

118. The Committee notes that the serious problem of poverty in the State party has been aggravated by the devastating effects of hurricane Mitch in October 1998 on the infrastructure and productive sectors, and that the State party is still in the process of recovering.

D. Principle subjects of concern

119. The Committee is concerned about the lack of adequate human rights training in the State party, in particular the rights guaranteed in the Covenant and in the Constitution of Honduras, especially among the judiciary and other actors responsible for the implementation of the Covenant.

120. The Committee expresses its concern about the de facto inequality that exists between men and women in Honduran society - despite legislative guarantees of equality - which is particularly reflected in unequal wages for equal work, and the low level of representation of women in public services and administration.

121. The Committee is concerned about the persisting discrimination against indigenous populations, especially in the field of employment, and the protection of traditional ancestral and agricultural lands.

122. The Committee is concerned about the lack of legislative and administrative measures by the State party to control the negative effects of transnational companies' activities on the employment and working conditions of Honduran workers and to ensure compliance with national labour legislation. Examples of such negative impacts are the low level of wages and the substandard working conditions in the *maquilas* (assembly plants), in particular those employing primarily women workers.

123. The Committee is particularly concerned about the very low number of labour inspectors and their inability to fulfil their responsibilities adequately due to reported restrictions that limit their access to enterprises and other work places subject to inspection.

124. The Committee expresses its grave concern about the fact that the minimum wage of workers is insufficient to provide for an adequate standard of living in the State party.

125. The Committee is also concerned about the insufficient level of protection by the State party to trade unions seeking to conduct labour negotiations with foreign employers, particularly given the large number of workers in unions. In addition, the Committee deeply regrets that the law prohibits the presence of more than one trade union in a single enterprise.

126. The Committee expresses its concern about the fact that the social security system covers less than one third of the population, especially as it excludes the groups in society with no income at all. In this regard, the Committee is concerned about the fact that the State party has not ratified the relevant ILO Conventions, namely No. 102 (1952) concerning minimum standards of social security, No. 117 (1962) concerning basic aims and standards of social policy and No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security.

127. The Committee is alarmed about the high number of children who are forced to work to support themselves, and in particular about the serious situation of street children and the existence of street gangs (*maras*). In this regard, the Committee is also gravely concerned about the high incidence of sexual abuse, exploitation and prostitution of children in the State party, and about the lack of a national plan to address these issues.

128. The Committee expresses its concern about the extent of domestic violence and the apparent inability of the State party to implement legislation against this phenomenon, particularly due to the lack of appropriate training of police and other law enforcement officials.

129. The Committee regrets the lack of a national housing strategy, given damage caused to the infrastructure by hurricane Mitch.

130. The Committee is concerned about the occurrence of forced evictions, especially among peasants and indigenous populations and in the areas where mining activities are conducted, without adequate compensation or appropriate relocation measures.

131. The Committee is particularly concerned about the extremely negative effects of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold-mining, on the environment, thereby putting at risk the health and lives of workers and those living in the vicinity of the affected areas. In this regard, the Committee is also concerned that environmental impact studies conducted by or on behalf of those sectors are without effective review by independent bodies.

132. The Committee deeply regrets the lack of measures by the State party to address effectively the problem of excessive deforestation, which negatively affects the habitat of indigenous populations.

133. The Committee is concerned about the insufficiency of medical services, especially in rural areas, and the difficulties experienced by people in gaining access to health-care institutions. The Committee also expresses its deep concern about the high incidence of HIV/AIDS in the State party, which is among the highest in the region, and the inadequate information provided by the State party on the measures it has taken with regard to the provision of essential drugs.

134. The Committee also expresses its concern about the problems encountered by the State party in its efforts to implement its reproductive health policy, including the distribution and use of condoms, as a result of resistance by certain religious institutions, and the fact that educational programmes often only target women. In this regard, the Committee is also concerned about the high rate of teenage pregnancy and that those girls are deprived of the opportunity to continue their education.

135. The Committee regrets the high rate of illiteracy of 19.5 per cent recognized by the State party's delegation.

136. The Committee expresses its concern about the limited possibilities for indigenous peoples to be educated and to have access to the judicial system in their native languages.

E. Suggestions and recommendations

137. The Committee strongly urges the State party to ensure that the Covenant is taken into account in the formulation and implementation of all policies concerning economic, social and cultural rights.

138. The Committee recommends that the State party improve human rights training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant and other international human rights instruments, in particular among the judiciary, law enforcement officials and other actors responsible for the implementation of the Covenant.

139. The Committee urges the State party to implement existing legislation more vigorously and to incorporate a gender perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of employment, labour conditions, and representation in public services and administration.

140. The Committee recommends that the State party recognize the economic, social and cultural rights of indigenous populations as a distinct minority group and ensure more effective protection against discrimination, especially in the field of employment, health and education.

141. The Committee also recommends that the State party explicitly take the Covenant into account in relation to the policies, programmes and projects deriving from its Poverty Reduction Strategy Paper, which forms part of the enhanced Heavily Indebted Poor Countries Initiative. In this regard, the State party is referred to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

142. The Committee urges the State party to conclude its adoption of the Labour Code.

143. The Committee strongly recommends that the State party implement existing legislative and administrative measures to avoid violations of environmental and labour laws by transnational companies.

144. The Committee urges the State party to increase the number of its labour inspectors, and to ensure the full exercise of their authority in workplaces.

145. The Committee strongly urges the State party to adopt and implement legislative and other measures to protect workers from the occupational health hazards resulting from the use of toxic substances - such as pesticides and cyanide - in the banana-growing and gold-mining industries.

146. The Committee strongly recommends that the State party expand its social security system to encompass low-income groups and informal sector groups, which are presently excluded. In addition, the Committee recommends that the State party ratify the relevant ILO conventions concerning social security, namely Conventions No. 102 (1952) concerning minimum standards of social security, No. 117 (1962) concerning basic aims and standards of social policy and No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security.

147. The Committee urges the State party to undertake urgent measures to introduce rehabilitation programmes for street children. The Committee also urges the State party to address the issue of sexual abuse, exploitation and prostitution of children by adopting a national plan to combat the problem, including collecting relevant data and conducting a thorough study of the issue.

148. The Committee strongly recommends that the State party implement the existing legislation on domestic violence vigorously, and that police and other law enforcement officials be given better training to this end.

149. The Committee recommends that the minimum wage be determined on the basis of criteria of an adequate standard of living in the State party.

150. The Committee requests that, in its next periodic report, the State party provide information on a national housing strategy and on the progress made in providing adequate housing for all, especially low-income groups, vulnerable and marginalized groups and those who suffered losses as a result of hurricane Mitch. The Committee also recommends that the State party take all appropriate measures to address the problems of forced evictions and homelessness.

151. The Committee recommends that the State party review its legislation and adopt all appropriate measures with a view to continuing agrarian reform and addressing land tenure issues, in such a manner as to take account of the needs of the *campesinos* and of the land rights of indigenous populations.

152. Given that mining concessions may have a significant impact on the enjoyment of article 12 and other provisions of the Covenant, the Committee recommends that applications for mining concessions be publicized in all the localities where the mining will take place, and that opposition to such applications be allowed within three months (not 15 days) of their publication in the relevant locality, in accordance with principles of procedural fairness.

153. The Committee urges the State party to adopt immediate measures to counter the negative environmental and health impacts of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold mining. In this regard, the Committee recommends that the State party establish a mechanism by which it can review effectively the environmental impact studies conducted by or on behalf of these sectors.

154. The Committee urges the State party to undertake effective measures to address the high level of persons living with HIV/AIDS, and in particular facilitate access to essential drugs, and to seek international cooperation to this effect.

155. The Committee recommends that the State party continue to implement its reproductive health policy, with a particular focus on young persons, and that it develop training programmes and counselling services in this regard for both men and women.

156. The Committee requests that the State party, in its next periodic report, provide detailed information about mentally disabled persons, including a summary of the legal regime governing those in compulsory care and the measures that are in place to ensure their protection.

157. The State party is urged to adopt a comprehensive National Education for All Plan, as anticipated by paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000. When formulating and implementing its plan, the State party is urged to take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and to establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from UNESCO in relation to both the formulation and implementation of its plan.

158. The Committee requests that the State party, in its next periodic report, provide updated statistical information on the rate of illiteracy, as well as information on the measures taken by the State party to combat illiteracy and the results of these measures.

159. The Committee recommends that the State party undertake measures to ensure that indigenous populations are able to be educated and to have access to the judicial system in their own languages.

160. The Committee also recommends that the State party avail itself more actively of technical assistance and cooperation from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report to the Committee.

161. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the second periodic report.

162. Finally, the Committee also requests the State party to submit its second periodic report by 30 June 2006, and to include in this report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

CHINA: HONG KONG SPECIAL ADMINISTRATIVE REGION

163. The Committee considered the initial report submitted by China on the implementation of the Covenant as applied in the Hong Kong Special Administrative Region (E/1990/5/Add.43) at its 9th to 11th meetings, held on 27 and 30 April 2001, and adopted, at its 29th meeting, held on 11 May 2001, the following concluding observations.

A. Introduction

164. The Committee welcomes the submission of the well-prepared and detailed initial report, which conforms in general with the Committee's guidelines on reporting. The Committee also notes with appreciation the written replies to its list of issues (E/C.12/Q/HKSAR/1) and the additional statistics provided by the Hong Kong Special Administrative Region. The delegation's professionalism and openness contributed to a fruitful and constructive dialogue.

B. Positive aspects

165. The Committee warmly welcomes the ratification of the Covenant by China.

166. The Committee warmly welcomes the withdrawal by the Hong Kong Special Administrative Region of reservations to articles 1 and 7 of the Covenant.

167. The Committee welcomes the wide consultations undertaken by the Hong Kong Special Administrative Region with civil society organizations and other interested parties as part of the preparation of its initial report. The Committee notes with appreciation that the Hong Kong Special Administrative Region made available to the public at large copies of the report.

168. The Committee commends the Hong Kong Special Administrative Region for its efforts to provide adequate housing for Hong Kong residents. In particular, the Committee notes with appreciation that:

(*a*) The old temporary housing accommodations have been demolished and their occupants adequately housed in interim housing while waiting to be permanently housed;

(*b*) The Government provides interim housing for evicted squatters, victims of domestic violence and families separated by divorce; and

(*c*) Self-built structures in squatter communities erected before 1982, and therefore protected by the relevant housing policy, have been provided in most cases with basic services including water, sanitation and access to roads, with a view to improving the living conditions of the residents.

169. The Committee notes with satisfaction that the Equal Opportunities Commission established in 1996 is effectively carrying out its mandate without interference from the Government of the Hong Kong Special Administrative Region.

170. The Committee notes with appreciation that its general comments are valuable source materials consulted frequently by the Human Rights Unit of the Justice Department.

171. The Committee welcomes the delegation's assurance that all rights enshrined in the Covenant contain certain justiciable aspects. Moreover, the Committee notes with satisfaction that the Covenant is invoked in Hong Kong courts.

172. The Committee welcomes the establishment of a Women's Commission in the Hong Kong Special Administrative Region.

173. The Committee commends the Hong Kong Special Administrative Region programme for training unskilled and unemployed workers with the objective of finding employment for them. The Committee notes with appreciation that the Employers Training Board conducts training programmes for unskilled women and provides them with allowances during training courses.

C. Factors and difficulties impeding the implementation of the Covenant

174. The Committee notes that issues regarding the right of abode in relation to permanent residence and split families impede the enjoyment of economic, social and cultural rights by the families affected by the reinterpretation on 26 June 1999 by the National People's Congress Standing Committee of article 24 of the Basic Law.

175. While the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage" (art. 68, Basic Law), the Committee notes that the current arrangements for the election of the Legislative Council include some undemocratic features which impede the full enjoyment of economic, social and cultural rights in the Hong Kong Special Administrative Region.

176. The economic policies of the Hong Kong Special Administrative Region, based essentially on the philosophy of "positive non-interventionism", i.e. keeping taxes low and limiting government expenditure to the provision of essential services, in accordance with article 5 of the Basic Law, which guarantees a free trade, free enterprise and low tax regime for at least 50 years, have had a negative impact on the realization and enjoyment of the economic, social and cultural rights of Hong Kong's inhabitants, which has been exacerbated by globalization.

D. Principal subjects of concern

177. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the suggestions and recommendations in its concluding observations of 1996,[7] despite the delegation's assurance that these must be given effect. The Committee wishes to reiterate in particular its concern on the following issues:

(*a*) The fact that the status of the International Covenant on Economic, Social and Cultural Rights in the Hong Kong Special Administrative Region domestic legal order continues to be different from that of the International Covenant on Civil and Political Rights, the provisions of which have been incorporated into domestic legislation;

(*b*) The failure of the Hong Kong Special Administrative Region to extend the prohibition of race discrimination to the private sector;

(*c*) The failure of the Hong Kong Special Administrative Region to prohibit discrimination on the basis of sexual orientation and age;

(*d*) The failure of the Hong Kong Special Administrative Region to establish a national human rights institution with a broad mandate and its failure to establish adequate alternative arrangements for the promotion of economic, social and cultural rights;

(*e*) The absence of protection against unfair dismissal and the lack of adequate regulations on statutory minimum wage, working hours, paid weekly rest, rest breaks and compulsory overtime pay;

(*f*) The denial of the right of foreign domestic helpers upon expiration of their contract to freely seek employment and to protection from discrimination, owing to the two-week rule;

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[7] *Official Records of the Economic and Social Council, 1996, Supplement No. 2* (E/1997/22-E/C.12/1996/6), chap. IV, paras. 353-366.

(g) The lack of a comprehensive policy for the protection of children from all forms of abuse.

178. The Committee greatly regrets that some judgements of the High Court in the Hong Kong Special Administrative Region express the opinion that the Covenant is "promotional" (*Mok Chi Hung and Another v. Director of Immigration*, judgement of 5 January 2001) or "aspirational" (*Chan To Foon and Others v. Director of Immigration*, judgement of 11 April 2001) in nature. As the Committee has confirmed on numerous occasions, such opinions are based on a mistaken understanding of the legal obligations arising from the Covenant.

179. The Committee is concerned that the Women's Commission may not have appropriate resources and powers to ensure that a gender perspective is integrated into the formulation of policy.

180. The Committee is gravely concerned about the widespread and unacceptable incidence of poverty in the Hong Kong Special Administrative Region. It is especially concerned that a large number of older persons continue to live in poverty without effective access to social services.

181. The Committee is deeply concerned that the Hong Kong Special Administrative Region lacks adequate institutional arrangements to ensure the formulation and implementation of comprehensive, integrated, consistent and effective anti-poverty strategies.

182. The Committee expresses its regret that in relation to the care of persons with mental illness, the Hong Kong Special Administrative Region is reluctant to authorize the prescribing of new drugs that are more costly but more effective and have been shown to produce fewer side effects for the mentally ill. In addition, the Committee notes with concern the apparent lack of initiative on the part of the Hong Kong Special Administrative Region to undertake public education to combat discrimination against those with mental disabilities.

183. The Committee is concerned that many individuals, including women who are homemakers, persons with disabilities and older persons, are excluded from the Mandatory Provident Fund Scheme.

184. The Committee is deeply concerned about the hardship arising from Hong Kong Special Administrative Region policies on permanent residence and split families.

185. The Committee expresses its concern about the reported increase in the incidence of child abuse and suicide among youth.

186. The Committee is concerned that the age of criminal responsibility is set at the young age of 7 years.

187. While acknowledging that the Hong Kong Special Administrative Region has made progress in relation to housing, the Committee remains deeply concerned that the right to housing of many people in Hong Kong remains unfulfilled. In the Committee's view, bed-space apartments, or cage homes, are an affront to human dignity and roof-top structures constitute a grave risk to the life and health of their inhabitants.

188. The Committee is concerned that the Public Order Ordinance may be used to restrict trade union activities, such as peaceful campaigns to promote labour rights, which are protected by article 8 (*c*) of the Covenant.

E. Suggestions and recommendations

189. The Committee reminds the Hong Kong Special Administrative Region that the provisions of the Covenant constitute a legal obligation on the part of the States parties. Thus, the Committee urges it not to argue in court proceedings that the Covenant is only "promotional" or "aspirational" in nature.

190. The Committee again urges the Hong Kong Special Administrative Region to implement the Committee's suggestions and recommendations contained in its concluding observations of 1996, as well as the current ones, and to undertake whatever relevant concrete measures may be necessary towards their implementation.

191. The Committee recommends that the Hong Kong Special Administrative Region withdraw its reservation on article 6 of the Covenant and the interpretative declaration replacing its former reservation on article 8.

192. It is the Committee's view that the failure by the Hong Kong Special Administrative Region to prohibit race discrimination in the private sector constitutes a breach of its obligations under article 2 of the Covenant. The Committee calls upon the authorities to extend the prohibition of race discrimination to the private sector.

193. The Committee also urges the Hong Kong Special Administrative Region to prohibit discrimination on the basis of sexual orientation and age.

194. The Committee urges the Hong Kong Special Administrative Region to establish a national human rights institution consistent with the Paris principles[8] and the Committee's General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights. Until such an institution is established, the Committee urges the authorities to enhance their measures for the promotion of economic, social and cultural rights.

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[8] Principles relating to the status of national institutions for the promotion and protection of human rights (see General Assembly resolution 48/134 of 20 December 1993, annex).

195. The Committee urges the Hong Kong Special Administrative Region to provide the Women's Commission with sufficient powers and resources to enable it to improve the status of women in Hong Kong, and to integrate gender in its policy-making and ensure wider participation of women in all spheres of public life.

196. The Committee reiterates its recommendation that the Hong Kong Special Administrative Region review its policy in relation to unfair dismissal, minimum wages, paid weekly rest time, rest breaks, maximum hours of work and overtime pay rates, with a view to bringing such policy into line with its obligations as set forth in the Covenant.

197. The Committee urges the Hong Kong Special Administrative Region to enact legislation on equal pay for work of equal value as provided for in the Covenant.

198. The Committee urges the Hong Kong Special Administrative Region to adopt a comprehensive pension system that provides adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities.

199. The Committee recommends that the Public Order Ordinance be reviewed with a view to amending its provisions to ensure freedom of trade union activities as provided for under article 8, paragraph 1 (*c*), of the Covenant.

200. The Committee strongly recommends that the Hong Kong Special Administrative Region establish either an inter-departmental anti-poverty unit or an independent anti-poverty commission, to conduct relevant research, formulate anti-poverty strategies and monitor all policies for their impact on poverty.

201. The Committee urges the Hong Kong Special Administrative Region to ensure that Comprehensive Social Security Assistance Scheme levels permit recipients a reasonable standard of living consistent with articles 9 and 11 of the Covenant.

202. When formulating and implementing its policies on permanent residence and split families, the Hong Kong Special Administrative Region is urged to give the most careful attention to all the human rights dimensions of the issue, including article 2, paragraph 2, articles 3 and 10 of the Covenant. The Committee reminds the Hong Kong Special Administrative Region that any limitations in connection with article 10 must be justified in relation to each element set out in article 4. The Committee urges the Hong Kong Special Administrative Region to reconsider extending the "concession" it made following the reinterpretation of article 24 of the Basic Law of 26 June 1999.

203. The Hong Kong Special Administrative Region is urged to enhance the transparency of all relevant processes concerning permanent residence and split families. For example, the Committee recommends that all data, appropriately disaggregated (e.g. by origin of applicant), are made publicly available and tabled in the Legislative Council every six months.

204. The Committee calls upon the Hong Kong Special Administrative Region to adopt urgent measures to address the problems leading to youth suicide and all forms of child abuse.

205. The Committee calls upon the Hong Kong Special Administrative Region to amend its laws to raise the age of criminal responsibility so as to ensure the rights of the child under article 10 of the Covenant.

206. The Committee calls on the Hong Kong Special Administrative Region to give urgent attention to the housing rights of all Hong Kong residents, including squatters and those living in roof-top structures and bed-space apartments or cage homes. In its next periodic report, the Hong Kong Special Administrative Region is requested to give special attention to the impact of current policies on squatters, roof-top structures and bed-space apartments or cage homes. In particular, the Committee would like to receive comment on the operation and efficacy of the Bedspace Apartments Ordinance (chap. 447).

207. The Committee recommends that the Hong Kong Special Administrative Region undertake a comprehensive review of mental health policy and adopt effective measures to ensure that persons with mental illness enjoy the right to adequate and affordable health care. The Committee urges the authorities to provide public education to combat discrimination against persons with mental illness.

208. The Committee requests that the Hong Kong Special Administrative Region disseminate these concluding observations as widely as possible among its citizens.

209. The Committee also requests the Hong Kong Special Administrative Region to address, in its second periodic report, the implementation of these concluding observations.

210. The Committee further requests the Hong Kong Special Administrative Region to submit information on its progress in implementing the Committee's recommendation in paragraph 192 (concerning racial discrimination) by 30 June 2003. The Committee requests the Hong Kong Special Administrative Region to submit its full second periodic report in accordance with the prescribed dates of submissions.

REPUBLIC OF KOREA

211. The Committee considered the second periodic report of the Republic of Korea on the implementation of the Covenant (E/1990/6/Add.23) at its 12th to 14th meetings held on 30 April and 1 May 2001, and adopted at its 25th and 26th meetings, held on 9 May 2001, the following concluding observations.

A. Introduction

212. The Committee expresses its appreciation to the State party for the comprehensive report and for the written replies to its list of questions (E/C.12/Q/REPOFKOR/2). The Committee notes with satisfaction the presence of a large expert delegation which presented the report and which approached the dialogue in a frank and constructive manner. The Committee notes, however, that the report failed to include information on several important areas and updated statistics, particularly on the critical situation following the financial crisis, although this was partly remedied in the written and oral information subsequently provided to the Committee.

213. The Committee regrets that most of its suggestions and recommendations contained in its concluding observations, adopted upon examination of the initial report, have not been implemented.[9]

B. Positive aspects

214. The Committee notes with satisfaction the significant and rapid economic recovery from the 1997-1998 financial crisis in the Republic of Korea, the present open climate towards human rights generally, and the advances recently realized in the enjoyment of some economic, social and cultural rights.

215. The Committee notes with satisfaction the adoption of a wide range of laws and programmes aimed at ensuring an adequate standard of living for all persons, including the Basic Livelihood Security Act of 1999, the Employment Insurance Act, the National Pension Scheme, the National Health Insurance Scheme and the Industrial Accident Compensation Insurance Act. It welcomes the extended application of the minimum wage to workers in all enterprises, whereas the minimum wage had previously been applicable only to workers in enterprises employing more than 10 persons.

216. The Committee takes note of the recent establishment of the Ministry of Gender Equality. It also notes with satisfaction the actions taken to grant women equality with regard to employment, marriage to foreigners, equality in the registration of children, and the possibility of passing on their family name to their children. It further welcomes the Child Welfare Act and the programmes in place to significantly expand public and private childcare facilities, which are encouraging women's participation in remunerative activities.

217. The Committee welcomes the recent opening of an office of the United Nations High Commissioner for Refugees in Seoul, through which applications for asylum can be processed.

C. Factors and difficulties impeding the application of the Covenant

218. The Committee notes that the State party is experiencing a period of major socio-economic transition that affects its ability to comply with its obligations under the Covenant.

219. The Committee notes the continued negative effects on the enjoyment of economic, social and cultural rights of the pervasive "fortress mentality", which is enforced by the National Security Law. Moreover, the high level of defence expenditure is in contrast with the shrinking budget for key areas of economic, social and cultural rights.

220. The Committee notes that deeply rooted traditions and cultural prejudices marginalize certain categories of persons, such as migrant workers, and many women.

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[9] *Official Records of the Economic and Social Council, 1995, Supplement No. 2* (E/1996/22-E/C.12/1995/18), chap. V, paras. 79-85.

221. The Committee also notes that the "economy-first" approach adopted by the State party has resulted in a low priority being placed on the protection of economic, social and cultural rights. This has led to the marginalization of certain groups in society in such matters as housing, social welfare and health care.

D. Principal subjects of concern

222. The Committee is concerned that the State party did not take into account its Covenant obligations when negotiating with international financial institutions to overcome its financial crisis and restructure its economy. The overreliance on macroeconomic policies has had profound negative effects on the enjoyment of economic, social and cultural rights in that there have been large-scale employee dismissals and lay-offs, a significant deterioration in employment stability, growing income inequalities, an increasing number of broken families and marginalization of a large number of persons.

223. The Committee views with concern the fact that the rapid pace of economic development has not been matched by efforts to guarantee economic, social and cultural rights. The Committee is concerned that, in such a situation, some rights or the rights of some groups are being sacrificed for the sake of economic recovery and market competitiveness.

224. The Committee is concerned that the data-collection methods of the State party do not seem to be fully reliable. Examples include data on unemployment and underemployment, housing, poverty and migration. In some cases, there were very large gaps between the statistics provided by the Government of the Republic of Korea and those from other sources, including the agencies of the United Nations and non-governmental organizations, which has serious implications for the effectiveness of government policies and programmes designed to address the needs of the most vulnerable and marginalized people.

225. The Committee regrets that no adequate effort has been made since the examination of the initial report to ensure that the rights provided for in the Covenant are fully enshrined in law. The Committee notes with concern that, according to the Constitution, the status of the Covenant is equal to that of domestic laws, which means that the protection of some rights may be overridden by subsequently enacted laws or special laws. It regrets the lack of clarity as to whether all Covenant rights can be invoked in domestic courts and further regrets the absence of any case law.

226. Notwithstanding the advances noted (see para. 216 above), the Committee notes with deep concern the continued unequal status of women. Persisting problems include the traditional preference for sons, which is manifested in a high incidence of induced abortions of girl foetuses that threaten the reproductive rights of women; the patriarchal head-of-family system (*hoju*) as defined in law; the high incidence of domestic violence; the relatively low access by women to tertiary education; discrimination against women and sexual harassment in the workplace; and a large gap in the average salaries paid to women and to men.

227. The Committee regrets that the specific conditions of work to which the so-called "irregular workers" are subject have not been clarified during the dialogue. Information from independent sources indicate that "irregular" workers are distinguished from "regular" workers, although they often perform the same tasks, in that irregular workers receive lower wages, pension benefits, unemployment and health benefits and have less job security. It also notes that the proportion of irregular workers in the general labour force has grown to half, the great majority of them women.

228. The Committee is alarmed at the rising incidence of industrial accidents in recent years, which appears to be the result of a relaxation of the standards governing industrial safety and of the insufficient number of on-site inspectors.

229. The Committee notes that teachers can legally enjoy their right under article 8 of the Covenant to form and belong to trade unions. However, it is concerned that they are still prevented from participating in collective bargaining and in strikes, a right guaranteed in both the Covenant and in the national Constitution (art. 33). While cognizant of the elevated status that is traditionally bestowed on teachers in Korean society, the Committee considers it inappropriate for the Government of the Republic of Korea to assume the role of guardian of traditions that prevent the exercise of this fundamental right.

230. The Committee is also concerned that the laws governing industrial actions are not transparent and appear to give the authorities inordinate discretion in determining the legality of strikes. In this regard, it considers entirely unacceptable the approach taken to criminalize strike activities. In addition, the Committee is deeply disturbed by the excessive force used by the police against recent labour demonstrations that had been set off by massive lay-offs. The Committee considers the combined effect of these circumstances to be a clear negation of the rights provided for in article 8 of the Covenant.

231. The Committee is concerned about the rising incidence of sexual exploitation of children, child labour, and hardships caused by a breakdown of the family. In this regard, the legal protection accorded to children does not appear to have been adequately implemented.

232. The Committee notes with concern the shifting population distribution from rural to urban areas, with most government programmes to develop infrastructure, education, health care and other essential facilities being highly concentrated in the urban areas. Urban migration of younger people has left many older persons to care for family farms in the countryside. The Committee regrets that the situation of persons living in rural areas has not been sufficiently dealt with during the present dialogue.

233. While welcoming the adoption of programmes to supplement the incomes of those living under the poverty line, notably through the National Basic Livelihood Security Act, the Committee has doubts about the adequacy of the assistance given. The eligibility criteria are apparently so rigid as to exclude many of the poor, and the amount of financial assistance regularly awarded can reportedly be drastically reduced without notice and without reason. The National Pension Scheme, which is said to have nationwide coverage and be open to all persons,

nevertheless fails to provide for an inordinate proportion of the workforce who are reaching pensionable age but have not been able to contribute to the system for a sufficient number of years.

234. The Committee notes with concern that despite the State party's attempts to promote employment of the disabled, the previous 2 per cent quota for workers with disabilities in enterprises employing over 300 employees has not been met, even within government agencies. The Committee is also concerned that enforcement mechanisms for this purpose do not seem to have been established.

235. The Committee regrets the lack of accurate information concerning the number of forced evictions and the specific conditions under which they can occur, in accordance with the Committee's General Comment No. 7 on forced evictions. The Committee is also concerned that victims of private construction projects are not provided with compensation or temporary lodging, unlike private homeowners who are evicted as a result of public projects. Moreover, the Committee is concerned about the affordability of housing for lower income groups, especially the vulnerable and marginalized groups; about the use of "vinyl houses" for dwellings, which pose grave risks to their dwellers; and about the increasing number of the homeless.

236. The Committee is disturbed that the portion of the government budget allocated to health, which is under 1 per cent, is low and declining. It is concerned at the predominance of privately operated health-care facilities - estimated to exceed 90 per cent of all health-care facilities, a trend that accelerated in the wake of the financial crisis - and the consequent negative implications for access to health care by the most marginalized sectors of society.

237. The Committee notes with concern that the low quality of education in public schools is compelling families to supplement the education of their children with private instruction, thereby placing an undue financial burden on families, especially those in lower-income groups.

238. The Committee also notes with concern the predominance of private institutions in higher education, a fact detrimental to the lower income groups. It further notes that over two thirds of the students in higher education are males, which is contrary to the principle of gender equality.

239. The Committee notes that education is free and compulsory only at the primary school level, which is not commensurate with the State party's high level of economic development.

240. The Committee is concerned that the present criteria for granting refugee status appear to be far too stringent, with only one application having been approved to date.

241. The Committee notes with concern that human rights education has not yet been formally incorporated as a required subject for all members of those professions that are most directly involved in the promotion and protection of economic, social and cultural rights.

242. The Committee is concerned that the National Security Law is being used to curtail the activities of intellectuals and artists. Under this law, not only are their works being censored, confiscated or destroyed, but the intellectuals and artists themselves are being subjected to criminal prosecution.

E. Suggestions and recommendations

243. The Committee reiterates and affirms its suggestions and recommendations contained in its previous concluding observations on the State party's initial report[9] and urges the State party to take concrete steps to implement them.

244. The Committee emphasizes that a human rights approach to government actions must begin with a proper understanding of the actual situation in respect of each right, accurate identification of the most vulnerable groups, and the formulation of appropriate laws, programmes and policies. It urges the national statistical agencies and relevant ministries to review the ways in which data relating to all rights are collected through the lens of the Covenant.

245. While noting the enactment of a new law that establishes a national human rights commission, the Committee emphasizes the importance of establishing the commission in full conformity with the Paris Principles,[8] and in this context, draws attention to its General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

246. The Committee urges the State party to accord the Covenant a legal status that would enable it to be invoked directly within the domestic legal system. It recommends that such status be superior to all national laws, whether precedent, antecedent or special, and refers in this regard to its General Comment No. 9 (1998) on domestic application of the Covenant.

247. The Committee recommends that the State party allocate the necessary resources to enable the newly established Ministry for Gender Equality to function effectively and to apply a gender perspective in legislation and in society.

248. The Committee recommends that detailed information on the situation of "irregular" workers be included in the third periodic report. In the meantime, it strongly recommends that the State party reconsider the status of irregular workers and guarantee their rights under the Covenant.

249. The Committee reminds the State party that the provisions of article 8 of the Covenant guarantee for all persons the right to freely form and join trade unions, the right to engage in collective bargaining through trade unions for the promotion and protection of their economic and social interests, as well as the right to strike. The Committee urges the State party to desist from using criminal proceedings against striking trade unions. It also urges the State party to refrain from using any force beyond that absolutely necessary for the maintenance of public order. The Committee recommends that the right of teachers and other civil servants to form and join trade unions, to engage in collective bargaining and to strike should be guaranteed in law and in practice. Detailed information on this is requested in the third periodic report.

250. The Committee recommends that the State party take more effective measures to combat the sexual trade of children and child labour, as well as expand its programmes directed at the protection and rehabilitation of the victims of such practices.

251. The Committee recommends that the State party establish a focal point within the Government for dealing with complaints or appeals for assistance on housing matters. It recommends that protection be provided, such as compensation and temporary housing, to victims of forced evictions resulting from private development projects. The State party should also ensure that adequate housing is available to members of vulnerable or marginalized groups. Moreover, the State party should take immediate measures to assist all those who are homeless or living in exceptionally substandard conditions, such as "vinyl houses".

252. The Committee recommends that the State party establish a plan to strengthen the public education system in conformity with article 13 of the Covenant and the Committee's General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant), and in accordance with the State party's high level of economic development. The plan should include the following elements: a reasonable timetable for specific actions for the introduction of free and compulsory secondary education; a re-examination of the functions and quality of the public education system relative to private education, with a view to strengthening the former and easing the burden on low-income groups imposed by the latter; a study of accessibility of schools at all levels, including tertiary education, and specific actions to be taken to ensure equal access by all sectors of society; and a reassessment of the curricula at all levels of instruction directed at promoting respect for human rights and fundamental freedoms. Information on this matter is requested in the third periodic report of the State party.

253. Insofar as traditional practices pose an obstacle to the fulfilment of some rights or perpetuate discrimination of any kind, including the preference for sons and the abortion of girl foetuses, the State party should carry out large-scale public campaigns to promote understanding among the general public about human rights.

254. The Committee recommends that the State party prepare, in accordance with the Vienna Declaration and Programme of Action,[10] and in cooperation with the Office of the United Nations High Commissioner for Human Rights, a national human rights plan of action, taking into account the observations made by this and other treaty bodies. The Committee requests that information on such a national plan be provided in the State party's third periodic report.

255. The Committee urges the State party to provide detailed information in its third periodic report, to be submitted by 30 June 2006, on conditions in the rural sector and the situation regarding agriculture and food production.

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[10] Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

BOLIVIA

256. The Committee considered the initial report of Bolivia on the implementation of the Covenant (E/1990/5/Add.44) at its 15th to 17th meetings , held on 2 and 3 May 2001, and adopted, at its 27th and 28th meetings, held on 10 May 2001, the following concluding observations.

A. Introduction

257. The Committee welcomes the initial report submitted by Bolivia, the written replies to the Committee's list of issues (E/C.12/Q/BOL/1), and the additional information submitted during the dialogue. However, the Committee regrets the 17-year delay in the submission of the initial report as well as the delay in the submission of the written replies to the Committee's list of issues.

258. The Committee has considered the written materials submitted by Bolivia, which contain mostly legal information. While this information is important, the Committee regrets the absence of specific information on the practical application of the legal framework, which is necessary for the Committee's evaluation of the implementation of economic, social and cultural rights in Bolivia.

259. The Committee regrets that many of the questions put by the members of the Committee were left unanswered or were answered by statements of a general nature.

B. Positive aspects

260. The Committee welcomes the creation of the Ministry of Justice and Human Rights (1994), and the human rights offices established by the Ministry in the sensitive areas of the country. Similarly, the Committee notes with appreciation the establishment in 1997 of the Human Rights Ombudsman (*Defensor del Pueblo*).

261. The Committee appreciates the elaboration by the State party of a comprehensive and multidisciplinary "Promotion and Defence of Human Rights" project with the assistance of the Office of the United Nations High Commissioner for Human Rights and UNDP.

262. The Committee notes with appreciation that article 1 of the Constitution establishes Bolivia as a multi-ethnic and multicultural democracy. In this regard, the Committee notes with interest the announcement by the delegation of the future enactment on 31 May 2001 of the new Penal Procedures Code, which renders three of the main indigenous languages, namely Quechua, Aymará and Tupi-Guarani, languages of judicial and administrative procedures.

263. The Committee notes with satisfaction the enactment of laws and the establishment of a number of programmes and policies for promoting equality between women and men, as well as the establishment in 1993 of a Subsecretariat of Gender Affairs under the National Secretariat for Ethnic, Gender and Generational Affairs of the Ministry for Human Development.

C. Factors and difficulties impeding the implementation of the Covenant

264. The Committee notes the enduring negative economic conditions suffered by the State party, due in part to the relatively undiversified structure of the economy, the structural adjustment programmes undergone by Bolivia since 1985 and its considerable foreign debt.

265. The Committee is aware that efforts to introduce legal crops to replace cocaine production in certain rural areas have led to the impoverishment of the small farmers involved.

D. Principal subjects of concern

266. The Committee regrets that laws incorporating the Covenant into Bolivia's domestic legal system have not yet been adopted.

267. The Committee is deeply concerned about allegations of corruption against certain Supreme Court judges.

268. The Committee is deeply concerned about the extent of poverty in Bolivia. According to UNDP figures, 88.8 per cent of all households in Bolivia have an income below the poverty line. Moreover, 90 per cent of these households are in rural areas. This situation is reflected in indicators such as infant mortality, life expectancy, literacy, and access to sanitation, potable water and health-care services. In this regard, the Committee deplores the highly uneven distribution of wealth in Bolivia.

269. The Committee is particularly concerned about the marginalization of, and discrimination against, indigenous communities in Bolivia, who constitute the majority of Bolivia's rural population and who suffer from inadequate access to basic education, adequate housing, and health services. Moreover, the Committee is concerned that the State party does not acknowledge the economic, social and cultural rights of indigenous populations as a distinct group.

270. Notwithstanding the impressive number of legal instruments and policies adopted by the State party to ensure gender equality, the Committee expresses its concern about the de facto inequality between men and women, which is exacerbated by the perpetuation of traditional prejudices and social conditions, such as discrimination in education of the girl child in rural areas. Such discrimination is particularly reflected in the low level of representation of women in public service, the high female illiteracy rate, unequal wages for work of equal value, and the high proportion of women working under inadequate conditions in the informal sector or as domestic workers.

271. The Committee deplores the de jure discrimination of salaried domestic workers established in Chapter II of the General Labour Law, with regard to daily and weekly rest and annual paid vacation, dismissal, social benefits and salary. Further, the Committee is concerned that domestic workers are subject to ethnic, class, gender and other discrimination.

272. The Committee is concerned that the method for determining the minimum wage is arbitrary, and that the current level of minimum wage does not secure a standard of living in dignity for the affected workers and their families.

273. The Committee considers that the excessively lengthy procedure for declaring a strike legal constitutes a restriction on the right provided for in article 8, paragraph 1 (*d*), of the Covenant. Similarly, the Committee expresses concern that restrictions imposed in the General Labour Law on trade union rights infringe on the rights provided for in article 8, paragraph 1 (*a*).

274. The Committee deplores the practice of child labour and the exploitation of children in domestic work, in particular the existence of the practice of indigenous *criaditos*, which remains outside the control of the State party.

275. The Committee is concerned that land reform is not a top priority on the Government's agenda, and that the Government does not provide legal counselling for farm workers with regard to establishment of title for their lands.

276. The Committee is concerned about the large housing shortage, the incidence of forced evictions with respect to peasants and indigenous populations in favour of mining and lumber concessions, and the absence of effective measures to provide social housing for low-income, vulnerable and marginalized groups.

277. The Committee is disturbed about the situation of children subjected to physical and mental abuse, as well as the extent of child malnutrition in Bolivia.

278. The Committee is concerned about the current status of reproductive health rights of women, and in particular the high rate of maternal mortality - the highest in Latin America - which is attributed to illegal abortions and to the absence of medical assistance during childbirth.

279. The Committee expresses its concern about the limited possibilities for indigenous populations to enjoy education in their mother tongue and to use their mother tongue in their dealings with public authorities.

280. The Committee is concerned by the slow progress in the process of literacy training and the still high levels of illiteracy in Bolivia. According to UNESCO, the level of illiteracy for adults is 16.3 per cent. The situation for children is also alarming: 70 per cent of children under 9 years of age do not attend school.

E. Suggestions and recommendations

281. The Committee strongly urges the State party to ensure that the Covenant is taken into account in the formulation and implementation of all policies concerning economic, social and cultural rights.

282. The Committee encourages the State party to ratify the additional Protocol to the American Convention on Human Rights, concerning economic, social and cultural rights (Protocol of San Salvador), which the State party signed in 1988.

283. The Committee calls upon the State party to ensure that the economic, social and cultural rights enshrined in the Covenant are directly applicable in the domestic legal order.

284. The Committee requests the State party to provide, in its second periodic report, detailed information about the effect of the decentralization of government on the enjoyment by Bolivian citizens of their economic, social and cultural rights.

285. The Committee urges the State party to take remedial action against the marginalization of, and discrimination against, indigenous populations in all sectors of society. The Committee requests the State party to provide, in its second periodic report, detailed information about the efforts made by the State party to enhance the enjoyment of rural populations, in particular rural indigenous populations, of their economic, social and cultural rights.

286. The Committee urges the State party to take effective measures to combat discrimination against women in public, economic and social life.

287. The Committee recommends that the State party adopt and implement programmes to increase technical and professional training opportunities and job opportunities and to reduce unemployment.

288. The Committee calls on the State party to ensure just and favourable working conditions to domestic workers, in particular with regard to daily and weekly rest and annual paid vacation, terms of dismissal, social benefits and salary.

289. The Committee recommends that the State party consider ratifying ILO Conventions No. 2 (1919) concerning unemployment and No. 29 (1930) concerning forced or compulsory labour.

290. The Committee urges the State party to ensure that the minimum wage is sufficient to provide an adequate standard of living for the worker and his family.

291. The Committee asks the State party to ensure that the excessive time period for collective negotiation does not constitute an obstacle to the right to strike.

292. The Committee urges the State party to combat violence against women by initiating a campaign with a view to combating negative traditional practices and prejudices and their effects and consequences. In this regard, the Committee also calls on the State party to ensure adequate financial and human resources for the implementation of the National Plan for the Prevention and Eradication of Violence Against Women. The Committee requests the State party to provide, in its second periodic report, detailed information and up-to-date statistics on the phenomenon of violence against women in Bolivia, as well as results of the measures taken to combat this serious problem.

293. The Committee also urges the State party to ratify ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour, and to take effective measures to eradicate the phenomenon of *criaditos*.

294. The Committee recommends that the State party explicitly take the Covenant into account when implementing the policies, programmes and projects deriving from its Poverty Reduction Strategy Paper, which forms part of the enhanced Heavily Indebted Poor Countries Initiative. In this regard, the State party is referred to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

295. The Committee urges the State party to pursue land reform as a priority in its agenda, to provide the economic and human resources needed for its implementation and to proceed without delay with the title establishment procedures.

296. The Committee recommends that the State party address the problems of the large housing shortage, the high incidence of forced evictions and the lack of social housing for low-income, vulnerable and marginalized groups. The Committee requests the State party, in its second periodic report, to give detailed information on the number and nature of forced evictions having taken place in Bolivia, in accordance with the Committee's General Comment No. 7 (1997) on forced evictions.

297. The Committee urges the State party to address the problems and shortcomings facing children and affecting their welfare, beginning with the varied types of child exploitation such as the trafficking of children, their sexual exploitation and domestic maltreatment. The Committee urges the State party to provide the necessary financial resources needed for children's education and the eradication of child malnutrition.

298. The Committee calls upon the State party to take measures to reduce the female mortality rate, and in particular to bring about a reduction of deaths caused by illegal abortion and unassisted childbirth. In particular, the Committee recommends that the State party intensify the implementation of its National Sexual and Reproductive Health Programme, organize educational campaigns regarding women's sexual and reproductive health, and include such subjects in school curricula.

299. The Committee recommends that the State party give priority to education in its budget, establish literacy programmes for adults, in particular in the rural areas, and make efforts to increase the school attendance levels of children under the age of 9. In this regard, the State party is urged to implement a comprehensive National Education for All Plan, as anticipated by paragraph 16 of the Dakar Framework of Action, adopted at the World Education Forum in April 2000, taking into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant).

300. The Committee encourages the State party to proceed with enacting the Penal Procedures Code, which renders three of the main indigenous languages, namely Quechua, Aymará and Tupi Guarani, languages of judicial and administrative procedures.

301. The Committee recommends that the State party avail itself more actively of technical assistance and cooperation from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report.

302. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its second periodic report.

303. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2005, and to include in this report detailed information on the steps it has taken to implement the recommendations contained in the present concluding observations.

TOGO

304. The Committee considered the state of implementation by Togo of the economic, social and cultural rights contained in the Covenant at its 19th and 25th meetings, held on 4 and 9 May 2001, and adopted, at its 26th meeting, held on 9 May 2001, the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

305. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

306. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, in such a case, the Committee has to perform its supervisory role, and it must do so on the basis of all reliable information available to it.

307. Hence, in situations where a Government has not supplied the Committee with any information as to its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to voice its own views, and to seek

to refute any criticism and convince the Committee of the conformity of its policy with the requirements of the Covenant. Consequently, if a State party does not submit a report and does not appear before the Committee, it deprives itself of the possibility of setting the record straight.

B. Introduction

308. Togo has been a party to the Covenant since 24 August 1984 and, despite numerous written requests, has not yet submitted its initial report. Despite any difficulties that the State party may be encountering which are impeding the State party's efforts to comply with its reporting obligations under the Covenant, the Committee urges the State party to make all possible efforts to fulfil its reporting obligations and to engage in a constructive dialogue with the Committee.

309. Bearing in mind the grave economic, social and political situation in Togo at present, as a result of the persisting political and social unrest in the country, the Committee deems it necessary to confine these concluding observations to an assessment of the deliberations of the Committee with respect to the current status of economic, social and cultural rights in the State party. The Committee further considers that, given the limited information available to it, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be of a very preliminary nature.

C. Factors and difficulties impeding the implementation of the Covenant

310. The Committee recognizes that the persisting political unrest, economic crisis and serious inadequacy of the country's infrastructure have had very negative effects on the general situation of Togo, and on the enjoyment of all economic, social, cultural, civil and political human rights in the country.

D. Positive aspects

311. The Committee notes that the Government of Togo embarked upon technical cooperation projects with the Office of the United Nations High Commissioner for Human Rights in 1996, with a view to strengthening the rule of law in Togo and to creating a human rights culture in the country, which in 1998 resulted in a number of activities such as the establishment of an information and documentation centre.

312. The Committee also notes that the State party established a National Human Rights Commission in 1987 and a Ministry of Human Rights and Rehabilitation in 1992, with a view to protecting the rights of citizens, promoting human rights and instructing the Togolese people about their rights.

313. The Committee acknowledges the efforts undertaken by the Government to address the problems of trafficking in children and female genital mutilation by, inter alia, organizing awareness campaigns and workshops.

E. Principal subjects of concern

314. The Committee expresses its deep concern about the deteriorating general human rights situation in the State party in the last three years, during which large-scale human rights violations, such as killings, extrajudicial executions, rapes and bombing of houses, have allegedly taken place, as stated in the report of the International Commission of Inquiry for Togo submitted on 26 December 2000 (E/CN.4/2001/134-E/CN.4/Sub.2/2001/3).

315. The Committee is concerned about the position of women in Togolese society. Despite a constitutional declaration of equality under the law, women continue to experience widespread discrimination, especially in relation to the rights to education, social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

316. The occurrence of societal discrimination on the basis of ethnicity by all ethnic groups is a matter of grave concern to the Committee, in particular the discrimination between southerners and northerners, which is evident in private sector hiring, buying patterns, and the de facto ethnic segregation in urban neighbourhoods. These north-south tensions have regularly been the cause of eruptions of violence of a clearly inter-ethnic character.

317. The Committee notes with concern that trafficking in women for the purpose of forced prostitution and of non-consensual labour as domestic servants persists. The Committee also notes with concern that trafficking in persons predominantly concerns children, who are sold as young as 2 years old for future work on plantations or as house servants. Allegedly, these children are extensively exploited, poorly fed, crudely clothed and inadequately cared for. Although the State party has been undertaking some measures to address these problems, such as conducting public awareness campaigns and organizing a workshop for border police and other law enforcement officers on child trafficking trends and judicial remedies, the root causes of these problems have not been adequately addressed. In addition, violence against women continues to be a serious problem, with mechanisms for redress inadequately used and police rarely intervening in domestic violence cases, as is the persistence of female genital mutilation of young girls, despite the governmental measures taken.

318. The Committee expresses its particular concern with regard to the education of children. A pattern of discrimination against children, especially girls, is prevalent in the State party. According to the UNDP *Human Development Report, 2000*, only 70.2 per cent of primary school-age girls attend primary school, which is 74 per cent of male enrolment. Only 40 per cent of secondary school-age girls attend secondary school, which is 52 per cent of male enrolment. At university level, women's enrolment constitutes only 21 per cent of male enrolment in tertiary education. This inequality is also reflected in the difference in adult literacy rates, which is 38.4 per cent for women, only 53 per cent of the male rate.

319. The Committee is concerned about the extremely low quality of health services and the significant lack of qualified personnel in the public sector, and in particular about the alarming rate of HIV/AIDS cases, which is three times higher than the average for countries with a low human development index (185.2 cases per 100,000 people, as opposed to the average of 67.5); 8.52 per cent of the adult population is living with HIV/AIDS.

F. Suggestions and recommendations

320. The Committee reiterates its request that the Government of Togo actively participate in a constructive dialogue with the Committee on how the obligations arising from the Covenant can be fulfilled in a more adequate manner. It calls the Government's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that Togo has been in breach of this obligation for many years.

321. The Committee recommends that the Government of Togo avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it can submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

322. The Committee also encourages the State party to seek expert assistance from the Office of the High Commissioner, through its programme of advisory services and technical cooperation, for the purpose of formulating policies on economic, social and cultural, as well as civil and political rights, of developing coherent and comprehensive plans of action for the promotion and protection of human rights, and for developing adequate means of evaluating and monitoring their realization.

323. The Committee recommends that the Government of Togo address the persistence of societal discrimination patterns, in particular in relation to women and girls, and between the various ethnic minorities living in Togo, with a view to eliminating such patterns by adopting appropriate legislative and administrative measures, developing non-discrimination policies, and by taking effective steps to enforce such measures and policies.

324. The Committee urges the State party to take action with respect to the current health situation in the country, which still remains inadequate to address the basic health needs of the population, such as the improvement of basic health services and providing the necessary preventive and remedial steps to combat the HIV/AIDS pandemic and other communicable diseases. The Committee also recommends that the State party take into account the Committee's General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

325. The Committee invites the State party to participate in a dialogue to be held during a future session of the Committee, together with representatives of the relevant specialized agencies, such as the World Bank, IMF, FAO, WHO, ILO, UNDP, UNICEF and UNESCO, in accordance with article 2, paragraph 1, and article 23 of the Covenant. The Committee is convinced that only by means of a constructive dialogue between the State party, the above institutions and the Committee can an adequate and realistic appraisal of feasible development and human rights strategies be achieved for the benefit of all citizens of Togo.

326. The Committee wishes to emphasize that the suggestions and recommendations set out in the present concluding observations depend for their success upon the State party's renewed commitment to fulfilling its reporting and other international legal obligations under the Covenant.

Twenty-sixth session

SENEGAL

327. The Committee considered the second periodic report of Senegal on the implementation of the Covenant (E/1990/6/Add.25) at its 32nd and 33rd meetings, held on 14 August 2001, and adopted, at its 53rd and 55th meetings, held on 28 and 29 August 2001, the following concluding observations.

A. Introduction

328. The Committee welcomes the second periodic report submitted by Senegal. However, the Committee regrets that the State party did not provide written replies to the list of issues (E/C.12/Q/SEN/1). It also deeply regrets the absence of a delegation from the State party. Consequently, the Committee was denied the opportunity of having a detailed and constructive dialogue with representatives of the State party.

329. The Committee is particularly concerned that the report provided by the State party, in spite of giving a good overview of the legal and administrative situation prevailing in Senegal concerning the rights covered by the Covenant, lacks detailed information and statistical data as to the concrete measures and policies which have been adopted to implement the Covenant rights.

B. Positive aspects

330. The Committee views as a positive development the growth of the State party's GDP at a rate of about 5.3 per cent per annum since the devaluation of the CFA franc in 1994.

331. The Committee notes with satisfaction the efforts undertaken by the State party with regard to the prevention of the spread of HIV/AIDS in Senegal. Owing to the national campaigns undertaken by the State party to rally and involve all sectors of society, including religious authorities, Senegal has one of the lowest rates of infection in sub-Saharan Africa.

332. The Committee notes with appreciation the enactment of a law in January 1999 which criminalizes, inter alia, female genital mutilation, sexual harassment and domestic violence against women.

333. The Committee welcomes the high proportion of government expenditure allocated to public education. The Committee also notes with appreciation that Senegal hosted the World Education Forum in April 2000 where the Dakar Framework for Action was adopted.

334. The Committee takes note with satisfaction of the establishment of several national human rights institutions in Senegal.

335. The Committee welcomes the new law enacted by the State party allowing women 14 weeks of maternity leave.

C. Factors and difficulties impeding the implementation of the Covenant

336. The Committee takes note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the internal conflict prevailing in the Casamance region and by the effect of some aspects of the structural adjustment programmes it has adopted and the repayment of its external debt.

337. The Committee notes that the persistence of certain traditions, customs and cultural practices in Senegal continue to impede the full enjoyment by women and girls of their rights under the Covenant.

D. Principal subjects of concern

338. The Committee expresses its concern about the lack of information from the State party on the specific measures it has taken to implement the recommendations contained in the concluding observations adopted by the Committee in relation to Senegal's initial report.[11]

339. The Committee is concerned that, although the new Constitution of Senegal in its preamble guarantees the enjoyment of economic, social and cultural rights, no legislation, apart from the new Labour Code, has been passed to implement the rights guaranteed under the Covenant.

340. The Committee is concerned that the State party is not taking effective measures, legal or otherwise, to recognize and protect religious and ethnic minorities with a view to ensuring that their rights are guaranteed under the Covenant.

341. The Committee expresses its concern about the de jure and de facto inequality that exists between men and women in Senegalese society. For example, article 152 of the Family Code discriminates against women, notably in the fields of taxation, allocation of seeds and family allowances. The Committee is particularly concerned about the lack of progress made by the State party in eradicating the enduring discriminatory practices against women and girls. Such practices include polygamy, restricted access to land, property, housing and credit facilities, and the inability to inherit land.

342. The Committee is concerned that the State party is not taking appropriate measures to address discrimination against women with regard to access to employment.

343. The Committee notes with concern the lack of adequate protection and facilities for people with disabilities who are unable to participate in many occupations due to physical barriers and lack of equipment and training opportunities.

344. The Committee is concerned about the high unemployment rate in Senegal, especially among the young people living in Dakar.

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[11] *Official Records of the Economic and Social Council, 1994, Supplement No. 3* (E/1994/23-E/C.12/1993/19), chap.V, paras. 263-268.

345. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

346. The Committee is concerned that, while half of Senegalese workers are employed in the informal sector, most of them still lack access to basic social services, including social security and health insurance, and work long hours in unsafe conditions.

347. The Committee is concerned that the State party is not taking appropriate measures to protect the rights of domestic workers, mostly women and girls, especially with regard to their lack of access to basic social services, their unfavourable working conditions and their wages, which are far below the minimum wage.

348. The Committee is concerned about the fact that an authorization from the Ministry of the Interior is needed before a trade union can be set up and that they can be dissolved by the Ministry. Moreover, it is a matter of concern that foreign workers are still not permitted to hold trade union offices, in spite of the Committee's recommendation to that effect in its concluding observations on the initial report of Senegal.[12]

349. The Committee is concerned that funds allocated by the State party for basic social services through its 20/20 initiative[13] fall far short of the minimum social expenditure required to cover such services. In this regard the Committee notes with regret that more is spent by the State party on the military and on servicing its debt than on basic social services.

350. The Committee is concerned that, in spite of the existence of legislation banning the practice of female genital mutilation, it is still practised with impunity by certain ethnic groups and in certain regions.

351. The Committee is concerned about the lack of effective measures taken, including the enforcement of existing legislation, to eliminate all forms of violence against women.

352. The Committee is concerned about the rise in clandestine abortions, unwanted pregnancies and the high rate of maternal mortality which is as high as 500 deaths per 100,000 live births.

353. The Committee is concerned about the increasing number of street children, especially in Dakar, and about the high incidence of child labour, especially in rural areas, and the exploitation of children engaged in agriculture, domestic work, informal trading and other services. The Committee is also concerned about the low remuneration that children receive which is well below the minimum wage.

354. The Committee is concerned about the high incidence of infant mortality, especially in rural areas. The Committee is also concerned that many children in the rural areas suffer from serious malnutrition and retarded growth.

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[12] Ibid., para. 266.

[13] See A/51/140, annex, and A/53/684, annex.

355. The Committee is concerned that in 2000, 30 per cent of the Senegalese people were living in absolute poverty and that 70 per cent of the poor came from the countryside and were women, and that poverty is on the increase.

356. The Committee is concerned about the acute shortage of housing in Senegal and about the State party's new policy of not building any more social housing units for low income, disadvantaged and marginalized groups. The Committee is also concerned about the high interest rate on housing credit which seriously restricts access to adequate housing for a large number of people.

357. The Committee is concerned about the reportedly growing number of forced evictions in Senegal, especially in Dakar. The Committee is particularly concerned about the plight of some 450 households in the Diamaguène district and some 5,000 inhabitants of the Baraka slum who, in spite of having occupied their dwellings for a long time, are threatened with eviction by the State party.

358. The Committee is concerned about the situation of small farmers who are unable to repay their debts and are denied credit facilities at reasonable rates so that they cannot earn a living for themselves and their family.

359. The Committee is concerned that the asylum-seekers who, while waiting for a decision on their status, which takes a long time, are denied access to basic social services, including hospital care. The Committee is also concerned that children of asylum-seekers who have not yet been granted refugee status cannot enrol in school unless they are able to pay tuition fees.

360. The Committee is concerned about the low rate of primary school enrolment and about the high rate of illiteracy in Senegal, especially among women. The Committee is also concerned that the State party is no longer always hiring trained teachers, but employs at lower wages unskilled teachers as volunteers, and that the number of drop-outs among primary and secondary school pupils is significant.

E. Suggestions and recommendations

361. The Committee urges the State party to take all necessary measures, including the enactment of legislation, in order to ensure that all the people of the State party enjoy, without any discrimination, the economic, social and cultural rights specified in the Covenant.

362. The Committee urges the State party to formulate and adopt a comprehensive plan of action for human rights, as called for in paragraph 71 of the Vienna Declaration and Programme of Action.[10]

363. The Committee encourages the State party to ensure that national human rights institutions do not concentrate solely on civil and political rights, but accord equal weight and attention to economic, social and cultural rights.

364. The Committee calls upon the State party to take remedial action to address the inequality of and discrimination against women and girls in Senegal, both in law and in practice. In particular, the Committee urges the State party to consider repealing article 152 of the Family Code.

365. The Committee urges the State party to enact or enforce legislation prohibiting customary practices such as polygamy, female genital mutilation, restricted access by women to land, property, housing and credit facilities and the inability to inherit land and to take measures to combat such practices by all means, including national education programmes.

366. The Committee urges the State party to take immediate measures to address the problem of discrimination against women in access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

367. The Committee recommends that the State party enact specific legislation and adopt measures necessary to ensure better living conditions for people with disabilities.

368. The Committee recommends that the State party take effective action to reduce the unemployment rate by, inter alia, providing training for young people in urban areas and by conducting regular reviews of the minimum wage levels in order to enable workers to attain an adequate standard of living for themselves and their families.

369. The Committee calls upon the State party to ensure that all workers, including domestic workers, have access to basic social services and are paid decent wages and that labour regulations governing their hours of work and safe conditions of work are scrupulously observed.

370. The Committee calls upon the State party to consider repealing the existing provisions of the Labour Code whereby (*a*) foreign workers are barred from holding trade union offices in Senegal; (*b*) the Ministry of the Interior is able to dissolve trade unions; and (*c*) an authorization is required from the Ministry before a trade union can legally exist.

371. The Committee urges the State party to allocate more funds for the 20/20 initiative, designed as a basic social safety net for the disadvantaged and marginalized groups of society.

372. The Committee calls upon the State party to take all effective measures, including the enforcement of existing legislation and the adoption of national awareness campaigns, to eliminate all forms of violence against women.

373. The Committee urges the State party to take remedial action to address the problems of clandestine abortions, unwanted pregnancies and the high rate of maternal mortality. In this regard, the Committee urges the State party to undertake more effective reproductive and sexual health programmes in schools and colleges.

374. The Committee strongly recommends that the State party address the problem of street children and reintegrate them into mainstream society.

375. The Committee urges the State party to take effective measures to reinforce existing laws on child labour and to improve its monitoring mechanisms in order to ensure that those laws are enforced and to protect children from economic exploitation. In this regard, the Committee urges the State party to consider ratifying ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

376. The Committee urges the State party to integrate fully human rights, including economic, social and cultural rights, in the formulation of the Poverty Reduction Strategy Paper which is being prepared by the State party. In this regard, the Committee refers the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below), and encourages the State party to ensure that its strategy paper is prepared in full consultation with civil society.

377. The Committee urges the State party to review its current housing policies and, in particular, to reintroduce a programme of social housing, especially for the disadvantaged and marginalized groups, and to ensure reasonable access to housing credit for those from lower income groups.

378. The Committee urges the State party to undertake a systematic and comprehensive review of its relevant legislation, administrative policies and procedures to ensure that they comply with the guidelines of the Committee specified in General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions.

379. The Committee calls upon the State party to provide to small farmers in Senegal credit facilities at reasonably low rates so that they may carry out their activities and earn a living for themselves and their families.

380. The Committee urges the State party to expedite the consideration of the applications of asylum-seekers and to provide them with basic social services, including hospital care and free education for their children.

381. The Committee calls upon the State party to make safe drinking water accessible to the entire population and to combat the problems of malnutrition, especially among children, hygiene and water-related diseases.

382. The Committee recommends that the State party address the shortage of hospitals and health centres and the unequal distribution of heath facilities in the country. In this regard, the Committee urges the State party to provide health services in the various regions of the country in order to provide incentives for doctors and nurses to move out of Dakar and Thiès.

383. The Committee recommends that the State party establish literacy programmes for adults and intensify its efforts to increase the school attendance of children, especially at the primary level, and address the problem of drop-outs among primary and secondary pupils.

384. The Committee urges the State party to review its current practice of employing unskilled teachers instead of hiring trained ones.

385. The Committee urges the State party to implement a comprehensive National Education for All Plan, as anticipated by paragraph 16 of the Dakar Framework for Action, taking into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant).

386. The Committee strongly recommends that Senegal's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, such as the IMF and the World Bank, to ensure that the economic, social and cultural rights of Senegalese and, in particular, of the most vulnerable groups of society, are duly protected.

387. The Committee urges the State party to create a solid database in order to target and monitor its progress in implementing each of the rights contained in the Covenant, as well as to draw upon and provide information to the Committee regarding the enjoyment of each of the Covenant rights.

388. The Committee urges the State party to include in its third periodic report, which should be submitted by 30 June 2003, updated and detailed information, backed up by statistical data, on the concrete measures it has taken to address the principal subjects of concern and to implement the recommendations, contained in the present concluding observations. The Committee also recommends that the State party avail itself of technical assistance from the Office of the United Nations High Commissioner for Human Rights and the relevant specialized agencies in the preparation of the report.

389. The Committee confirms that, if the State party so wishes, it is willing to undertake a country mission to Senegal, with a view to helping the State party implement its obligations under the Covenant, in the light of these concluding observations.

390. The Committee requests that the State party disseminate these concluding observations as widely as possible among the State institutions concerned, as well as its citizens.

SYRIAN ARAB REPUBLIC

391. The Committee considered the third periodic report of the Syrian Arab Republic on the implementation of the Covenant (E/1994/104/Add.23) at its 34th and 35th meetings, held on 15 August 2001, and adopted, at its 52nd and 53rd meetings, held on 28 August 2001, the following concluding observations.

A. Introduction

392. The Committee welcomes the third periodic report of the State party, as well as the useful dialogue that took place with the delegation. The Committee also takes note of the information contained in the letter of 24 August 2001 from the Permanent Mission of the State party to the United Nations Office at Geneva addressed to the Chairperson of the Committee.

393. The Committee regrets that a considerable number of its written and oral questions remained unanswered, owing to a lack of detailed information in the State party's report, the written replies and the oral responses during the dialogue. The Committee also regrets that the delegation of the State party was not composed of officials responsible for the relevant rights of the Covenant, a fact which had a negative impact on the quality of the dialogue.

B. Positive aspects

394. The Committee appreciates the State party's efforts to improve the enjoyment of economic, social and cultural rights by its inhabitants. In particular, the Committee takes note of the State party's goals and objectives in the context of the United Nations Development Assistance Framework, which aims at improving living standards by reducing socio-economic and regional disparities and strengthening institutional capacities to meet development challenges.

395. The Committee notes with appreciation that the State party is also cooperating with international organizations and relevant specialized agencies to reduce poverty and to work towards further realization of the right to food and the right to health.

396. The Committee welcomes the State party's efforts to address the acute problem of water shortage, as well as its efforts to enhance public awareness of this problem.

397. The Committee welcomes the fact that infant mortality has decreased and that life expectancy has increased.

398. The Committee notes with satisfaction the measures taken by the State party to provide health services and education for nomadic peoples, such as mobile first aid facilities and dispensaries and mobile schools and libraries.

399. The Committee welcomes the measures taken by the State party pursuant to the Dakar Framework for Action, adopted at the World Education Forum in April 2000, to elaborate a National Education For All Plan.

C. Factors and difficulties impeding the implementation of the Covenant

400. The Committee notes the State party's statement that, owing to the continuing foreign occupation of part of its territory, it feels compelled to allocate a considerable part of its resources to national defence.

401. The Committee recognizes that the efforts of the State party to comply with its obligations under the Covenant are impeded by the high foreign debt/GDP ratio, and that this has adversely affected its capacity to enhance the enjoyment of economic, social and cultural rights by the population.

402. The Committee notes that the prevalence of certain traditions, customs and cultural practices in the State party continues to impede the full enjoyment by women and girls of their rights under the Covenant.

D. Principal subjects of concern

403. The Committee is concerned about discrimination against certain minority groups in the Syrian Arab Republic on the basis of their non-Arab heritage, including those groups that have been living in the territory of the State party for many generations.

404. The Committee expresses its concern about the persisting discrimination in the political, social and economic spheres of life against women in Syrian society, which is particularly reflected in limited participation by women in the political and economic decision-making process, a low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. The Committee regrets that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

405. The Committee is also concerned about the living conditions of refugees and stateless persons in the Syrian Arab Republic, as well as the fact that the State party has not ratified the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol. The Committee regrets the delegation's lack of sufficient information on this matter.

406. The Committee is concerned about the relatively high unemployment rate in the State party, which has been estimated to be between 10 and 25 per cent, and regrets that the State party's delegation was not able to provide sufficient statistical data to clarify this point of concern.

407. The Committee regrets that the State party has not provided sufficient information on the incidence of child labour. Moreover, the Committee is deeply concerned that the minimum working age is too low and that children working in family businesses and the agricultural sector are not protected by the relevant labour legislation.

408. The Committee expresses its concern about the practice of forced labour in prisons, especially by minors and those who have been incarcerated for vagrancy and other petty crimes.

409. The Committee also expresses its concern that the minimum wage has not been adjusted in recent years and that it has therefore become insufficient to provide a basic and adequate standard of living for workers and their families.

410. The Committee is also concerned that the right to establish independent trade unions is obstructed by the State party, as trade unions are obliged to register with the General Federation of Trade Unions which is closely linked to the governmental structure.

411. The Committee also expresses concern about the restrictions in practice reported by ILO with regard to the right to strike, such as the imposition of sanctions, including imprisonment, which constitutes non-compliance with the State party's obligation regarding article 8 of the Covenant.

412. The Committee is concerned about the absence of unemployment benefits, which runs counter to the State party's obligation under the Covenant to realize progressively the right to just and favourable conditions of work and to social security.

413. The Committee is also concerned about the disparity in the provision of social benefits and accident compensation to Syrian nationals, refugees and stateless persons.

414. The Committee expresses its concern about the persistent occurrence of domestic violence against both women and children and the lack of legislation to criminalize such violence. Moreover, the Committee is concerned that there is no law against spousal rape.

415. The Committee is concerned about the incidence of poverty in the State party, which, according to alternative sources, affects about one third of the population. The Committee also regrets the absence of official statistical data on this subject.

416. The Committee regrets the lack of comparative statistical data on the State party's implementation of the right to health, as well as the fact that it did not receive replies to a considerable number of questions on the right to health in the list of issues (E/C.12/Q/SYR/1).

E. Suggestions and recommendations

417. In the light of paragraph 71 of the Vienna Declaration and Programme of Action[10] and the conclusions of the Eighth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region (held at Beijing, 1 to 3 March 2000), the Committee recommends that the State party prepare a comprehensive national plan of action in relation to the implementation of its obligations under international human rights treaties, including the Covenant. The Committee requests the State party to annex a copy of its national human rights plan of action to its fourth periodic report and to provide information on its implementation.

418. The Committee encourages the State party to establish as soon as possible a national human rights institution which conforms to the Paris Principles.[8]

419. The Committee strongly recommends that the State party's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, such as IMF, the World Bank and WTO, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

420. The Committee strongly recommends that the State party take effective measures to combat discrimination in practice against minority groups, in particular the Kurds. Such measures should be aimed especially at improving birth registration and school attendance and allowing for the use of their languages and other expressions of their culture.

421. The Committee strongly recommends that the State party take effective measures to incorporate a gender equality perspective in both legislation and in governmental policies and administrative programmes, with a view to ensuring equality of men and women and addressing in particular the problems of the low legal age of marriage for girls, more severe punishment of

women for adultery and "honour crimes", and the unequal treatment of women insofar as personal, property, succession and social security laws are concerned. The Committee also encourages the State party to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

422. The Committee recommends that the State party take legislative and administrative measures to ensure the enjoyment of economic, social and cultural rights by refugees and stateless persons. The Committee urges the State party to ratify the Convention relating to the Status of Refugees, the Protocol thereto, and the 1954 Convention relating to the Status of Stateless Persons.

423. The Committee requests the State party to provide more detailed information and specific statistical data - including comparative data - on the real situation of unemployment and of child labour in the State party and on the measures it has taken to address these problems.

424. The Committee recommends that the State party take measures to prohibit the practice of forced labour in prisons, including by minors and those incarcerated for vagrancy and other petty crimes.

425. The Committee urges the State party to adjust the minimum wage from time to time, so that it provides for an adequate standard of living for workers and their families, in conformity with articles 7 and 11 of the Covenant.

426. The Committee recommends that the State party request technical assistance from ILO for the training of labour inspectors in order to ensure better implementation of labour legislation.

427. The Committee urges the State party to take all effective measures to address the problem of child labour in family enterprises and in the agricultural sector, which runs counter to protection of the rights of the child to health and to education.

428. The Committee strongly urges the State party to ensure that the right to establish free and independent trade unions is respected, and that the right to strike can be exercised without any form of intimidation.

429. The Committee recommends that the State party take all necessary measures to guarantee - to the maximum of its available resources, as stipulated by article 2, paragraph 1, of the Covenant - that an adequate system of social security is maintained, in particular with regard to the payment of unemployment benefits. The Committee also requests that more detailed information and statistical data, including comparative data, are provided on the State party's pension system in its next periodic report.

430. The Committee strongly recommends that the State party adopt legislation and other measures to combat domestic violence and spousal rape, and vigorously implement such legislation and other measures in order to provide adequate protection for victims of such practices.

431. The Committee requests the State party to provide detailed statistical data on the level of poverty in its territory, as well as more detailed information on measures taken to reduce poverty.

432. The Committee urges the State party to provide detailed information about the housing situation in the Syrian Arab Republic, including the provision of social housing for lower income, disadvantaged and marginalized groups, the number of forced evictions and whether those evictions comply with the guidelines set out by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

433. The Committee also requests the State party to provide replies to the written and oral questions raised by the Committee in the list of issues and during the dialogue which were left unanswered, and in particular it requests comparative statistical data on the implementation of the right to health, thereby taking into account the Committee's General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

434. The Committee urges the State party to implement its comprehensive National Education For All Plan, as anticipated by paragraph 16 of the Dakar Framework for Action, taking into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and General Comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child). The Committee on Economic, Social and Cultural Rights also urges the State party to ratify the Convention against Discrimination in Education adopted by the General Conference of UNESCO in 1960.

435. The Committee strongly recommends that the State party make sure that minority groups, such as the Kurds, are able to enjoy their right to use their own language and to live in accordance with their own culture without impediments in the form of legislative or administrative arrangements imposed by the State party.

436. The Committee recommends that the State party avail itself more actively of technical assistance and cooperation from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, such as UNDP and UNESCO, particularly in relation to the preparation of its fourth periodic report on the implementation of the Covenant, a national human rights plan of action, the creation of a national human rights institution, and the preparation and implementation of the National Education For All Plan in accordance with the Dakar Framework for Action.

437. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its fourth periodic report.

438. Finally, the Committee requests the State party to submit its fourth periodic report by 30 June 2006, and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

PANAMA

439. The Committee considered the second periodic report of Panama on the implementation of the Covenant (E/1990/6/Add.24) at its 36th meeting, held on 16 August 2001, and adopted, at its 50th and 51st meetings, held on 27 August 2001, the following concluding observations.

A. Introduction

440. The Committee welcomes the second periodic report of the State party, but regrets that it was submitted after a four-year delay. The report was in general prepared in conformity with the Committee's guidelines, although insufficient information was provided on the implementation of articles 1 to 5 of the Covenant.

441. The Committee regrets the late submission of written responses to the list of issues (E/C.12/Q/PAN/1) sent in due time to the State party, as well as the absence of experts in the delegation that attended the examination of the report. These problems limited dramatically the opportunity for a constructive dialogue with the delegation.

B. Positive aspects

442. The Committee notes with satisfaction the enactment of laws promoting equality between men and women, such as the adoption of Act No. 4 of 1999 on equal opportunities for women and the adoption of Act No. 38 of 2001 that changes the provisions of Act No. 27 of 1995 on domestic violence. The Committee welcomes the setting up of the National Women's Council and other women's offices in various ministries as well as the active participation of organizations of civil society in this process of legal reform.

443. The Committee notes with satisfaction the significant reductions in levels of child mortality and malnutrition, and steady improvement in other indicators of human development.

444. The Committee notes with appreciation the establishment by Act No. 10 of 1997, Act No. 69 of 1998 and Executive Decree No. 194 of 1999 of a territorial demarcation (*comarca*) for the Ngöbe-Buglé indigenous community, which the Committee had recommended as a result of its 1995 technical assistance mission to Panama.[14]

445. The Committee notes with appreciation the State party's declaration of its support for the adoption of an optional protocol to the Covenant.

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[14] See *Official Records of the Economic and Social Council, 1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), annex V, sect. II.

C. Factors and difficulties impeding the implementation of the Covenant

446. The Committee notes that economic and social underdevelopment in rural areas and inequality in access to productive resources, together with the dominant position held by the urban population in social programmes, are factors impeding government action aimed at implementing the Covenant.

D. Principal subjects of concern

447. The Committee regrets that legislation aimed at the incorporation of the Covenant directly into Panama's domestic legal system has not been adopted and that as a result the Covenant cannot be invoked before the internal authorities.

448. The Committee regrets the lack of a national plan of action for human rights prepared in accordance with the Vienna Declaration and Programme of Action.[10]

449. Notwithstanding the important number of legal instruments and other measures adopted by the State party to ensure gender equality, the Committee is concerned about the flagrant inequality of wages for equal work and about the significantly higher rates of unemployment among women.

450. Notwithstanding the absence of legal discrimination and the rights granted to indigenous communities by the Constitution, the Committee is deeply concerned about the persisting disadvantage faced in practice by members of indigenous communities in Panama, and in particular about the marked disparities in the levels of poverty and literacy and access to water, employment, health, education and other basic social services. The Committee is also concerned that the issue of land rights of indigenous peoples has not been resolved in many cases and that their land rights are threatened by mining and cattle ranching activities which have been undertaken with the approval of the State party and have resulted in the displacement of indigenous peoples from their traditional ancestral and agricultural lands.

451. The Committee is especially concerned that the minimum wage is not sufficient to provide for the basic needs of the worker's family, and that payment of that minimum wage is generally not respected in practice.

452. The Committee is concerned about the limited applicability of labour laws in the Colón Free Zone and the resulting limits on the protection of workers against dismissal or trade union activity. It is also concerned about high rates of unemployment in the surrounding area.

453. The Committee is concerned about the lack of a sufficient number of labour inspectors and the reported widespread use of "blank" contracts and temporary work contracts, which avoid the protection and benefits that the law requires for persons employed under longer-term contracts. It is also concerned about legislation setting excessively high requirements for the establishment of employer organizations and trade unions or their branches.

454. The Committee is concerned about the persistence of domestic violence and the inability of the State party to apply the existing legislation. It is also concerned about cases of sexual harassment and the high rate of murder suffered by women.

455. The Committee is deeply concerned about the persistent problem of child labour, especially in the rural areas, and that the minimum age for employment is under 12 years in agricultural and domestic services. The Committee is also concerned about the lack of effective measures taken to protect children against sexual violence and other forms of exploitation.

456. The Committee is concerned about the high incidence of poverty, especially in the rural areas. In this regard, the Committee is concerned about the State party's economic and social policies, which are strongly biased in favour of urban and higher income groups and which have reportedly resulted in resource misallocation and waste and ineffective social programmes for disadvantaged and marginalized groups.

457. The Committee is concerned about the reported lack of social housing and in particular about the many different programmes and initiatives that exist in the field of housing, which are not integrated into a coherent national strategy. The Committee is also concerned about the lack of information concerning the extent to which its recommendations in the report on its technical assistance mission to Panama in 1995 have been implemented, especially with regard to the need to take into account the opinions of those affected by forced evictions, in line with its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant).

458. The Committee notes with concern that the significant progress achieved in reducing child mortality has not been accompanied by a similar reduction in the rate of maternal mortality, which remained stable between 1980 and 1997. The Committee is also concerned about respect for the rights of women with regard to reproductive and sexual health and in particular about the high rates of illegal abortion and early pregnancy.

459. The Committee considers that the growing number of HIV/AIDS cases registered during the last decade constitutes a serious health problem.

460. The Committee remains concerned about the low rates of literacy, especially among women.

461. The Committee is concerned about the inadequacy of resources allocated to address the problems of primary and secondary education.

462. The Committee regrets the absence of references in the second periodic report to action taken in response to the Committee's recommendations adopted upon the examination of the initial report of Panama.[15]

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[15] *Official Records of the Economic and Social Council, 1992, Supplement No. 3* (E/1992/23-E/C.12/1991/4), chap. V, paras. 95-139.

E. Suggestions and recommendations

463. The Committee urges the State party to ensure that the provisions of the Covenant are directly applicable in the domestic legal order, so that they can be invoked before the courts.

464. The Committee strongly recommends that a national plan of action for human rights be prepared, in accordance with the Vienna Declaration and Programme of Action. The Committee requests the State party to annex a copy of the national plan of action to its third periodic report to the Committee, and to explain in its report how the plan promotes and protects economic, social and cultural rights.

465. The Committee requests the State party to provide, in its third periodic report, detailed information about any government policies, programmes and measures adopted to assist in the effective implementation of the legislation on equality between women and men.

466. The Committee reiterates its recommendation encouraging the State party to consider ratifying ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries. It urges the State party to pay particular attention to improving poverty and literacy rates and access to water, employment, health, education and other basic social services for indigenous peoples. The Committee recommends that the issue of land rights of indigenous peoples be fully resolved so as to avoid their coming under threat by mining and cattle ranching activities that result in their displacement from their traditional ancestral and agricultural lands.

467. The Committee encourages the State party to take action to lower the requirements for the setting up of employer organizations or trade unions and their branches.

468. The Committee recommends that the State party take effective measures to combat the high rates of unemployment, in particular for women and in the area surrounding the Colón Free Zone. It also recommends that the limited applicability of labour laws in that free trade zone be reviewed.

469. The Committee encourages the State party to act on its stated commitment to develop effective programmes and policies to combat poverty and to achieve the goal of reducing the poverty rate from 37 per cent to 30 per cent of the population by 2003. In this regard, the Committee urges the State party to address the persistent problem of dramatic income inequality. The Committee also urges the State party to review its various initiatives designed to help reduce the high rate of poverty to ensure that they fully integrate human rights, including economic, social and cultural rights, in the light of the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

470. The Committee urges the State party to ensure that the minimum wage is increased regularly with reference to the cost of living so as to guarantee increasingly an adequate standard of living to workers and their families, and to ensure that the rules regarding the minimum wage are respected in practice.

471. With regard to Act No. 38 of 2001 on domestic violence, the Committee strongly recommends that the State party take effective measures to disseminate and implement vigorously existing legislation on domestic violence, that police and other law enforcement officials be given better training to this end, and that information be provided in the third periodic report on the number and outcome of court cases related to domestic violence.

472. The Committee urges the State party to take all necessary measures, legislative or otherwise, to address the persistent problem of child labour, especially in agriculture and domestic services. In this regard, the Committee urges the State party to consider ratifying ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour. The Committee also calls upon the State party to take remedial action to protect children against sexual abuse and all forms of exploitation.

473. The Committee recommends that the State party collect comprehensive data and establish a coherent national strategy on housing, especially social housing. In this regard, the Committee urges the State party to take all appropriate measures in order to ensure the availability of affordable housing units, especially for the low-income, disadvantaged and marginalized groups

474. The Committee requests the State party to provide detailed information in its third periodic report about the number and nature of forced evictions, in accordance with the Committee's General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant). It requests that information be provided on the implementation of recommendations formulated by the Committee as a result of its 1995 technical assistance mission to Panama.

475. The Committee calls upon the State party to take urgent measures aimed at reducing the excessively high maternal mortality rate, and to expand the availability and accessibility of reproductive and sexual health information and services, so as to encourage a reduction in the rates of illegal abortion and early pregnancy.

476. The Committee requests the State party to provide, in its third periodic report, detailed information on the number of persons living with HIV/AIDS and on the measures taken for the prevention, treatment and care of those infected, affected, or particularly vulnerable.

477. The Committee encourages the State party to refer, for its third periodic report, to its General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) - especially paragraphs 43 and 44 on core obligations, and 57 and 58 on indicators and benchmarks - for assistance on how to report on its implementation of article 12 of the Covenant. The Committee requests the State party to provide detailed information in its third periodic report on the cost, affordability and availability - particularly in rural areas and for marginalized groups - of the expanded provision of outpatient and home-care services that have reportedly accompanied the reduction in the number of beds available for hospital-based psychiatric treatment.

478. The Committee urges the State party to implement a comprehensive National Education For All Plan, as required by paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000, taking into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant), as well as General Comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child). The Committee on Economic, Social and Cultural Rights recommends that the State party establish literacy programmes for adults, especially for indigenous peoples and in the rural areas. The Committee requests the State party also to provide in its third periodic report detailed information about the measures taken to increase the quality of and promote equal opportunity for all in education, including in vocational education. The Committee encourages the State party to consider ratifying the Convention against Discrimination in Education adopted by the General Conference of UNESCO in 1960.

479. The Committee requests the State party to take measures aimed at increasing the resources available to fight illiteracy and promote primary and secondary education, as well as to provide information in its third periodic report about the allocation of resources to different levels and types of education.

480. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its third periodic report.

481. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2004, and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

UKRAINE

482. The Committee considered the fourth periodic report of Ukraine on the implementation of the Covenant (E/C.12/4/Add.2) at its 40th and 41st meetings, held on 20 August 2001, and adopted, at its 54th meeting, held on 29 August 2001, the following concluding observations.

A. Introduction

483. The Committee welcomes the submission of the report of the State party as well as its written replies to the list of issues (E/C.12/Q/UKR/2). The Committee appreciates the frank dialogue that took place and the delegation's efforts to address the questions raised during the discussion.

B. Positive aspects

484. The Committee notes with satisfaction the recent enactment of legislation relating to the protection of human rights, including the Law on Refugees of 2000, the Law on Immigration and the Law on Citizenship of 2001, and the Penal Code.

485. The Committee welcomes the national plan of action to improve the situation of women and enhance their role in society.

486. The Committee welcomes the establishment of the Office of the Authorized Human Rights Representative of the Parliament (Verkhovna Rada), which has considered many complaints in relation to economic, social and cultural rights.

487. The Committee further welcomes the State party's willingness, as expressed by the delegation during the dialogue, to cooperate with specialized agencies and other international organizations in such areas as poverty reduction, gender equality, integration of the Crimean Tatars, women and children's health, the review of human rights legislation, support for the Authorized Human Rights Representative of the Parliament, and the fight against trafficking of persons.

488. The Committee welcomes the establishment by the State party of a fund for social insurance.

C. Factors and difficulties impeding the implementation of the Covenant

489. The Committee notes that the State party's transition to a market economy has had a negative impact on the implementation of the rights contained in the Covenant.

D. Principal subjects of concern

490. The Committee is concerned about the high level of poverty in the country and the inadequate measures taken by the State party to combat it. This is exacerbated by, among other things, the privatization policies that the State party has implemented, high unemployment, the low level of pensions and wages, a legal minimum wage which is below the recognized subsistence level, and the scarcity of adequate housing.

491. The Committee continues to express concern at the situation of women in society and the insufficient measures taken by the State party to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

492. The Committee is concerned at the large-scale trafficking and commercial sexual exploitation of women and children.

493. The Committee notes with concern de facto discrimination against ethnic minorities, such as the Crimean Tatars and Roma, and harassment of foreigners of African origin by law enforcement officials.

494. The Committee is concerned about the large number of children, especially newborns and children with disabilities, who are abandoned or are otherwise deprived of a family environment, and regrets the absence of an effective strategy to address this phenomenon.

495. The Committee expresses its concern about the scale of the arrears in the payment of wages and pensions, depriving the people concerned of the means for survival.

496. The Committee notes with deep concern the high number of accidents owing to inadequate health and safety standards in the workplace and obsolete industrial equipment, particularly in the mining sector, as well as the insufficient efforts of the State party to enforce the existing standards.

497. The Committee is concerned about restrictions on trade union freedoms, including the right of everyone to join a trade union of his/her choice, as well as acts of intimidation by local authorities against independent trade unions and their leaders.

498. The Committee notes with concern that the budgets allocated for education and scientific research have fallen sharply, leading to a deterioration in the quality of education. The Committee is particularly concerned about obsolete teaching materials and equipment in schools and colleges, and the low levels of remuneration for teachers.

499. The Committee is concerned at the deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services. The Committee notes with concern the rise in the incidence of sexually transmitted diseases (STD) and the spread of HIV/AIDS. It is also concerned about the high incidence of alcohol abuse and tobacco use, especially among persons under 18 years.

E. Suggestions and recommendations

500. The Committee recommends that the State party evaluate the economic reform policies with respect to their impact on poverty, and make efforts to adjust its programmes in a manner consistent with safeguarding the economic, social and cultural rights of the most vulnerable segments of society. In this regard, it draws the attention of the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

501. The Committee recommends that the State party take into account its obligations under the Covenant in all aspects of its negotiations with international financial institutions, thus ensuring that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

502. While welcoming the Ukrainian delegation's confirmation of the State party's intention to prepare a human rights plan of action with the assistance of the Office of the United Nations High Commissioner for Human Rights, the Committee recommends that the State party elaborate, through an open and consultative process, a comprehensive national plan of action

aimed at implementing its obligations under international human rights instruments, including the Covenant. The Committee requests the State party to annex a copy of the national human rights plan of action to its fifth periodic report, and to inform the Committee about the progress made in its implementation.

503. The Committee recommends that the State party strengthen the provisions in its legal order with respect to the prohibition of discrimination in accordance with article 2, paragraph 2, of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Recalling the Code of Conduct for Law Enforcement Officials,[16] the State party should take all necessary steps to prevent incidents of racially motivated ill-treatment and ensure that timely and thorough investigations and effective prosecutions are carried out.

504. The Committee calls upon the State party to take all effective legal measures to prohibit gender discrimination in all fields of civil, political, economic, social and cultural life.

505. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including the representation of women at the various administrative levels, and in areas such as law enforcement, the legal profession and the judiciary, stressing the progress made during the reporting period.

506. The Committee calls upon the State party to ensure that employees are remunerated in a timely manner and that legislation on minimum wages is fully enforced.

507. The Committee recommends that the State party ensure that adequate resources are allocated for workplace accident prevention programmes, and that it continue to strengthen the resources and powers of the labour inspectorate. The Committee recommends that the State party consider ratifying ILO Convention No. 81 (1947) concerning labour inspection in industry and commerce.

508. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions, other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. The Committee requests the State party to ensure that such restrictions contained in the labour law are fully in line with article 8 of the Covenant, and that acts of intimidation against trade unions and their leaders are prohibited.

509. The Committee recommends that the State party adopt all appropriate measures to prevent and combat incidents of domestic violence and sexual harassment, as well as appropriate measures to reduce unemployment among women.

510. The Committee encourages the State party to strengthen its efforts to combat the trafficking and commercial sexual exploitation of women and children. It recommends that the State party vigorously pursue the enforcement of criminal laws in this regard; ensure that victims are not penalized and are provided with rehabilitation; ensure that the National Coordination

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[16] General Assembly resolution 34/169 of 17 December 1979, annex.

Council against Trafficking in Human Beings is adequately resourced and staffed; and reinforce its cooperation with international and regional organizations, as well as on a bilateral basis. The Committee recommends that the State party, in its fifth periodic report, provide full information on the trafficking and commercial sexual exploitation of women and children, including data on the scale of the phenomenon.

511. The Committee urges the State party to take effective measures, including the development of strategies and awareness-raising activities, aimed at reducing and preventing the abandonment of children. In particular, the Committee recommends that the State party promote, through counselling and community-based programmes, the family as the best environment for the child and assist parents to keep their children at home. Moreover, it is recommended that the State party take effective measures to increase and strengthen family-based alternative care, so that children are placed in institutions only as a last resort.

512. The Committee recommends that the State party ensure that its commitment to primary health care is met by adequate allocation of resources and that all persons, especially from the most vulnerable groups, have access to health care. The Committee suggests that the State party establish comprehensive reproductive health programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. It further recommends that adolescents have access to and be provided with reproductive health education, as well as with sexually transmitted disease and HIV/AIDS prevention programmes. The Committee recommends that the State party provide children with accurate and objective information about alcohol and tobacco use, and discourage activities on public mass media promoting their consumption.

513. The Committee recommends that the State party take all necessary measures to allocate the required resources to implement effectively the Law on Education adopted in 1991. The Committee recommends that the State party ensure that General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant), as well as General Comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child), are duly taken into consideration when elaborating its educational policies. The Committee on Economic, Social and Cultural Rights recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance in order to improve enrolment rates and monitor the quality of education.

514. The Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees as well as its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

515. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the content of the Covenant and its implementation among the public, civil society, and all sectors and levels of administration. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

516. Finally, the Committee requests the State party to ensure the wide dissemination in Ukrainian society at all levels of the present concluding observations and to inform the Committee of steps taken to implement the recommendations in its fifth periodic report, to be submitted by 30 June 2006.

NEPAL

517. The Committee considered the initial report of Nepal on the implementation of the Covenant (E/1990/5/Add.45) at its 44th to 46th meetings, held on 22 and 23 August 2001, and adopted, at its 55th meeting, held on 29 August 2001, the following concluding observations.

A. Introduction

518. The Committee welcomes the initial report of the State party, which was in general prepared in conformity with the Committee's guidelines, as well as the written replies to the Committee's list of issues (E/C.12/Q/NEP/1). However, it regrets the nine-year delay in the submission of the initial report as well as the delay in the submission of the written replies to the Committee's list of issues.

519. The Committee notes with appreciation the open and constructive dialogue with the delegation and its willingness to answer the questions raised by the Committee but regrets the absence of experts to answer all the technical questions.

B. Positive aspects

520. The Committee notes with satisfaction the assertion by the State party that the rights contained in the Covenant could be justiciable. It further notes with satisfaction the extraordinary power of the Supreme Court to issue orders for the enforcement of the fundamental rights of the citizens.

521. The Committee notes with appreciation that Nepal signed in 1996 a technical cooperation project and a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights and that under the project a number of activities have been undertaken on the administration of justice, treaty accession, reporting obligations, strengthening of the National Human Rights Commission, compilation and publication in the Nepali language of international instruments ratified by Nepal, and support to non-governmental organizations.

522. The Committee welcomes the establishment of an independent National Human Rights Commission, as well as the establishment of a committee, under the chairmanship of the Chief Secretary of the Cabinet Secretariat, to execute the National Human Rights Action Plan in accordance with the Vienna Declaration and Programme of Action.[10]

523. The Committee welcomes the establishment in 1995 of the Ministry of Women, Children and Social Welfare.

524. The Committee notes with satisfaction the adoption of an anti-trafficking act to combat trafficking in women and children, as well as the implementation of measures at national and regional level for this purpose.

525. The Committee welcomes the abolishment in 2000 of *kamaiya*, the system of agricultural bonded labour.

526. The Committee notes that the State party has adopted measures to abolish and punish the practices of polygamy, dowry, *deuki* (a tradition of dedicating girls to a god or goddess; the girls become "temple prostitutes") and prostitution among the Badi caste.

C. Factors and difficulties impeding the implementation of the Covenant

527. The Committee takes note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the high rate of population growth, the slow-down in economic growth, foreign debt, the effect of some aspects of the structural adjustment programmes it has adopted as well as the Maoist insurgency, which have negatively affected the enjoyment of economic, social and cultural rights by the population, and especially the most vulnerable and marginalized groups of society.

528. The Committee also acknowledges that the prevalence of certain customary traditions in Nepal continues to impede the full enjoyment by women and girls of their rights under the Covenant.

529. The Committee notes that the State party's national economy depends heavily on agriculture.

D. Principal subjects of concern

530. The Committee regrets the unclear status of the Covenant in the domestic legal order of the State party and the lack of case law with respect to any of the rights under the Covenant.

531. The Committee notes that the State party has adopted a series of plans on several human rights issues but regrets the lack of benchmarks to illustrate the extent or degree of achievements.

532. The Committee is deeply concerned about the extent of poverty in Nepal, in particular in rural areas where poverty and discrimination against women are most pronounced. In this regard, it notes that the targets set by the Ninth Plan, which aim at the progressive reduction of the poverty rate from 42 per cent to 32 per cent, were not reached. Further, it notes that the National Poverty Alleviation Commission has not yet been established.

533. The Committee notes with concern the legal inequalities between women and men in the field of inheritance, the regime of shared assets in marriage, divorce, child custody in case of divorce and remarriage, and the conferring of nationality to children on equal terms. It expresses

its concern also about the de facto inequality that exists between men and women in the Nepalese society, despite legislative guarantees of equality. It further notes with concern the low representation of women in public service, the high female illiteracy rate and the unequal wages for equal work.

534. The Committee is deeply concerned at the high number of women and girls being trafficked for prostitution. The Committee also regrets the continuation of polygamy and the practices or dowry, *deuki* and prostitution among the Badi caste, particularly in rural areas.

535. The Committee is concerned at the high rate of domestic violence and the absence of specific legislation in this field.

536. The Committee is concerned at the high unemployment and underemployment rates in Nepal and about the lack of skills-oriented education.

537. The Committee notes with concern that land and agrarian reforms have still not been addressed properly and that tenants therefore have not obtained security of tenure, and that a great number of peasants do not yet possess any land.

538. The Committee is concerned that although the *kamaiya* system of agricultural bonded labour was abolished in July 2000, the emancipated *Kamaiyas* are facing many problems, including lack of housing, land, work, and education for their children.

539. The Committee is concerned that the legal minimum wage is not sufficient to provide a decent standard of living for workers and their families, in particular in the agricultural sector.

540. The Committee expresses its concern at the fact that the State party has not ratified ILO Conventions No. 29 (1930) concerning forced or compulsory labour, No. 81 (1947) concerning labour inspection in industry and commerce, No. 87 (1948) concerning freedom of association and protection of the right to organize and No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

541. The Committee regrets that there are provisions in the existing legislation of the State party whereby "moral turpitude", a term which is not defined with sufficient precision and which can lead to arbitrary interpretations, constitutes a valid ground for removal, dismissal or disqualification from employment in the civil service.

542. The Committee expresses its concern at the high incidence of child labour in Nepal, especially in rural areas.

543. The Committee notes with regret that 29 per cent of the population has no access to safe water, 90 per cent has no access to health services and 84 per cent has no access to sanitation.

544. The Committee is concerned about the occurrence of forced evictions, such as in the cases of the people displaced by the Kulekhani and Marshyangdi hydropower projects, without adequate compensation or appropriate relocation measures.

545. The Committee notes with concern that only Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities. It further notes that while the Tibetan refugees benefit from appropriate treatment, the Bhutanese refugees are not allowed to work, are not allowed freedom of movement outside their refugee camps, and do not have access to the same health and educational facilities as Nepalese citizens.

546. The Committee notes with concern that the State party has not acceded to the 1951 Convention relating to the Status of Refugees or its Protocol relating to the Status of Refugees of 1967, the 1954 Convention relating to the Status of Stateless Persons, or the 1961 Convention on the Reduction of Statelessness. It is also noted that the Nepalese authorities have no mechanism to deal with unaccompanied refugee children.

547. The Committee is concerned about the high incidence of infant and child mortality, especially in rural areas. It further notes that many children in rural areas suffer from malnutrition.

548. The Committee notes with deep concern the high rates of maternal mortality, especially in rural areas, owing mainly to unsafe and illegal abortions, and that female life expectancy in Nepal is lower than male life expectancy.

549. The Committee notes with alarm that abortion is absolutely illegal and is considered a criminal offence, punishable by severe sentences, and cannot be carried out even when pregnancy is life threatening or the result of incest or rape. The Committee also regrets the fact that the reproductive and sexual health programmes are not implemented because of lack of financial resources.

550. The Committee is concerned that, under the current national health plan for 1997-2017, the role of the State in the development of a national health care system, consistent with the structural adjustment programmes, is minimized. It further notes that the mental health service in Nepal is insufficient and that there is no community mental health programme available.

551. The Committee is deeply concerned that the HIV/AIDS epidemic in the State party is spreading at an alarming rate due to commercial sex and trafficking of women and children, and sex tourism.

552. The Committee notes that the State party has initiated free primary education but is concerned that the policy of compulsory education has yet to be implemented. It further notes the great disparity in enrolment in primary schools between girls and boys, the high drop-out rate among pupils, and the low quality of education in public schools.

E. Suggestions and recommendations

553. The Committee strongly urges the State party to ensure that the Covenant is taken into full account in the formulation and implementation of all policies concerning economic, social and cultural rights and that its provisions are justiciable in fact.

554. The Committee strongly recommends that Nepal's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, such as IMF, the World Bank and WTO, in order to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

555. The Committee urges the State party to continue to develop and adopt a national plan of action for human rights, which would include economic, social and cultural rights, in accordance with the Vienna Declaration and Programme of Action and in the context of a participatory, open and consultative process. The Committee also requests the State party to annex a copy of the plan to its second periodic report.

556. The Committee encourages the State party to ensure that the National Human Rights Commission does not concentrate solely on civil and political rights, but accords equal weight and attention to economic, social and cultural rights.

557. The Committee recommends that Nepal explicitly take the Covenant into account in its policies, programmes and projects on poverty alleviation. It further recommends that the State party establish the National Poverty Alleviation Commission. In this regard, the State party is referred to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

558. The Committee urges the State party to implement more vigorously existing legislation on gender equality and to incorporate a gender equality perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of family, employment, labour conditions and representation in public services and administration.

559. The Committee urges the State party to enact or enforce legislation prohibiting customary practices, such as polygamy, dowry, *deuki* and prostitution among the Badi caste, and restricted ownership by women of land and family property, which violate the rights of women and girl children, and to take measures to combat such practices by all means, including national educational programmes.

560. The Committee recommends that the State party adopt specific legislation on domestic violence against women and children.

561. The Committee recommends that the State party enforce its legislation in an effective way and establish administrative mechanisms and monitoring systems to prevent and combat trafficking in women and children. It further recommends the strengthening of measures to allow the return, rehabilitation and reintegration into society of trafficked women.

562. The Committee urges the State party to enforce effectively legislation and programmes to put an end to discrimination, in particular with regard to access to housing, work and education, against persons belonging to the Dalits and the liberated *Kamaiyas*.

563. The Committee recommends that the State party take effective action to reduce the unemployment rate by, inter alia, providing skills-oriented education and training, in particular in the agricultural sector.

564. The Committee recommends that the State party review its legislation and adopt all appropriate measures with a view to continuing agrarian reform and resolving land tenure issues.

565. The Committee recommends that the minimum wage be determined on the basis of criteria for an adequate standard of living in the State party, especially for those working in the agricultural sector.

566. The Committee strongly recommends that the State party ratify all relevant ILO Conventions, in particular Conventions No. 29 (1930) concerning forced or compulsory labour, No. 81 (1947) concerning labour inspection in industry and commerce and No. 87 (1948) concerning the freedom of association and the right to organize.

567. The Committee urges the State party to define with more precision the term "moral turpitude", so that it cannot be used arbitrarily as a ground for removal, dismissal or disqualification from employment in the civil service.

568. The Committee urges the State party to take effective measures to strengthen existing laws on child labour and to improve its monitoring mechanisms to ensure that those laws are fully enforced to protect children from economic exploitation. In this regard, the Committee urges the State party to continue its collaboration with ILO's International Programme on the Elimination of Child Labour and to consider ratifying ILO Convention No.182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

569. The Committee recommends that the State party provide adequate compensation and appropriate relocation measures to those who are forcibly evicted because of development projects, such as in the cases of the Kulekhani and Marshyangdi hydropower projects, in line with the Committee's General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forcible evictions.

570. The Committee recommends that the State party acknowledge people other than those from Tibet and Bhutan as refugees and provide the same kind of treatment to all refugees. The Committee invites the State party to consider acceding to the Convention relating to the Status of Refugees and its Protocol, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

571. The Committee urges the State party to take remedial action to address the problems of clandestine abortions, unwanted pregnancies and the high rate of maternal mortality. In this

regard, the Committee urges the State party to reinforce reproductive and sexual health programmes, in particular in rural areas, and to allow abortion when pregnancies are life threatening or a result of rape or incest.

572. The Committee requests that the State party, in its next periodic report, provide data about shorter-term health plans and more detailed information about mentally disabled persons and access to private hospitals and institutions by the more marginalized sectors of the population.

573. The Committee recommends that primary and basic education be made free and compulsory for all without discrimination on the grounds of gender, ethnicity, religion or social status.

574. The State party is urged to adopt a comprehensive National Education for All Plan, as anticipated by paragraph 16 of the Dakar Framework of Action adopted at the World Education Forum in April 2000. When formulating and implementing its plan, the State party is urged to take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and General Comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child), and to establish an effective monitoring system for the plan. The State party is also encouraged to continue the technical advice and assistance from UNESCO in relation to both the formulation and implementation of its plan.

575. The Committee urges the State party to incorporate benchmarks to measure the level of achievement expected at different times within its plans of actions in various human rights-related fields so that progress can be monitored.

576. The Committee recommends that the State party ensure that projects involving privatization of water supply provide for continued, assured and affordable access to water by local communities, indigenous people, and the most disadvantaged and marginalized groups of society.

577. The Committee recommends that the State party continue the technical assistance from and cooperation with the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report to the Committee.

578. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee of all steps taken in this respect. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the second periodic report.

579. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2006 and to include in the report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

JAPAN

580. The Committee considered the second periodic report of Japan on the implementation of the Covenant (E/1990/6/Add.21 and Corr.1) at its 42nd and 43rd meetings, held on 21 August 2001, and adopted, at its 56th and 57th meetings, held on 30 August 2001, the following concluding observations.

A. Introduction

581. The Committee welcomes the second periodic report of the State party, which was in general conformity with the Committee's guidelines. The Committee welcomes the open and constructive dialogue with the delegation, which consisted of experts on the issues relevant to the Covenant, and its willingness to answer the questions posed by the Committee.

B. Positive aspects

582. The Committee notes that the State party ranks as one of the most developed countries in the world (ninth on the UNDP Human Development Index ranking), with the world's second-largest economy, and that it has achieved high levels of enjoyment of economic, social and cultural rights for the majority of its citizens.

583. The Committee also notes that the State party is the world's largest aid donor in absolute figures, allocating 0.27 per cent of its GNP to official development assistance, of which 40 per cent is devoted to areas related to the rights contained in the Covenant.

584. The Committee recognizes the significant role of the State party in promoting international cooperation for the promotion of economic, social and cultural rights in the context of international forums, such as the United Nations and the OECD.

585. The Committee notes with appreciation that the State party has begun to involve national non-governmental organizations in the preparation of its report to the Committee.

586. The Committee takes note that the State party is taking measures to promote gender equality, and in 2000 formulated a Basic Plan for Gender Equality.

587. The Committee welcomes the State party's recent measures aimed at improving the protection of women and children against violence: the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (1999), the Law on Proscribing Stalking Behaviour and on Assisting Victims (2000), the Child Abuse Prevention Law (2000) and the Law for the Prevention of Spousal Violence and the Protection of Victims (2001). The Committee also welcomes the amendments to the Criminal Procedure Act to protect victims of child abuse and sexual offences during legal proceedings (2001), and the formulation of a Plan of Action Against Commercial Sexual Exploitation of Children (2001).

588. The Committee takes note of the fact that the State party has made considerable efforts to cope with the aftermath of the great Hanshin-Awaji earthquake in 1995, and that the national, regional and local authorities have reacted quickly to create temporary, as well as permanent housing for the vast number of persons affected.

C. Principal subjects of concern

589. The Committee is concerned that the State party does not give effect to the provisions of the Covenant in domestic law in a satisfactory manner, despite the fact that many of its provisions are reflected in the Constitution. The Committee is also concerned that provisions of the Covenant are not sufficiently taken into account in the process of legislation and policy formulation, and are rarely mentioned in legislative or administrative proposals or in parliamentary debates. The Committee further expresses concern about the fact that judicial decisions generally do not make reference to the Covenant, on the mistaken ground that none of its provisions has direct effect. It is a further matter of concern that the State party endorses that position, thereby contravening its obligations under the Covenant.

590. The Committee is particularly concerned that the State party has no intention of withdrawing its reservations to articles 7 (*d*), 8, paragraph 2, and article 13, paragraph 2 (*b*) and (*c*), of the Covenant, based on the argument that the State party has to a large extent already achieved realization of the rights enshrined in the aforementioned articles, whereas information received by the Committee reveals that full realization of those rights is not yet guaranteed.

591. The Committee expresses its concern that the State party interprets the principle of non-discrimination as being subject to progressive realization and to "reasonable" or "rationally justifiable" exceptions.

592. The Committee is concerned about the persisting de jure and de facto discrimination against minority groups in Japanese society, and in particular against the Buraku and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.

593. The Committee is also concerned about the persisting legal, social and institutional discrimination against children born out of wedlock, in particular as regards the curtailment of their inheritance and nationality rights.

594. The Committee expresses its concern about widespread discrimination against women and the de facto inequality that still exists between men and women in Japanese society in professional and decision-making positions, both in political representative bodies, public services and administration, and in the private sector.

595. The Committee expresses its concern regarding the persistent cases of domestic violence, sexual harassment and sexual exploitation of children, in spite of domestic legislation adopted in 2001.

596. The Committee is also concerned about the continuing de facto inequality in wages between men and women for work of equal value, and in particular about the persisting practice in many enterprises of employing women primarily in the clerical services, with little or no chance of promotion to the professional ranks. These inequalities persist despite legislative, administrative and other measures taken by the State party, such as the 1997 amendment to the Equal Employment Opportunity Law.

597. The Committee is concerned that the State party has not ratified certain significant ILO Conventions, such as Conventions No. 105 (1957) concerning the abolition of forced labour, No. 111 (1958) concerning discrimination (employment and occupation) and No. 169 (1989) concerning indigenous and tribal peoples in independent countries.

598. The Committee expresses its grave concern that the State party permits excessive working hours in both the public and private sectors.

599. The Committee expresses its concern that from the age of 45 workers run a greater risk of having their salaries reduced or even being laid off without adequate compensation.

600. The Committee is concerned about the general prohibition of strikes for all public employees and civil servants, even those not working in essential governmental services, including teachers. This contravenes article 8, paragraph 2, of the Covenant (to which the State party has made a reservation), and ILO Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, despite the existence of alternative systems of personnel committees.

601. The Committee is concerned about reported incidents in nuclear power stations and the lack of transparency and disclosure of necessary information regarding the safety of such installations, and also the lack of advance nationwide and community preparation for the prevention and handling of nuclear accidents.

602. The Committee is also concerned about the consequences of the recent changes to the public pension system, which involved a gradual increase in the age of eligibility from 60 to 65 years. If the retirement age and the age for eligibility for public pension benefits do not coincide, there may be a loss of income for those who are obliged to retire before the age of 65.

603. The Committee is further concerned about the absence of a minimum pension and the persistent de facto gender inequality in the pension system which perpetuates the income gap between men and women.

604. The Committee notes with concern that discrimination against persons with disabilities continues to exist in law and practice, particularly in relation to labour and social security rights.

605. The Committee expresses its concern that the compensation offered to wartime "comfort women" by the Asian Women's Fund, which is primarily financed through private funding, has not been deemed an acceptable measure by the women concerned.

606. The Committee is concerned that despite large resettlement programmes planned and executed by Hyogo Prefecture in the aftermath of the great Hanshin-Awaji earthquake, the population most affected has not always been consulted adequately, and as a consequence many single older persons now live in environments totally unfamiliar to them with little or no personal attention. Apparently, little or no psychiatric or psychological treatment is being offered for people who have lost their families. Many resettled earthquake victims who are over 60 years of age lack community centres, access to health centres and outpatient nursing.

607. The Committee notes with concern that the poorer sections of the population in the Hanshin-Awaji areas affected by the earthquake are finding it increasingly difficult to finance their building reconstruction. Some were forced to sell their property in order to pay off their existing mortgages without being able to rebuild their houses.

608. The Committee is concerned about the large number of homeless persons throughout the country, especially in the Osaka-Kamagasaki area. The Committee is further concerned that the State party has no comprehensive plan to combat homelessness.

609. The Committee is also concerned about forced evictions, especially of the homeless from their temporary abode and those who have occupied houses for a long time in the Utoro district. In this regard, the Committee is particularly concerned about the summary procedure whereby provisional eviction orders are granted by the courts without any reasons being given, under the court order for a provisional disposition procedure, without being subject to a stay of execution, thus rendering any right of appeal meaningless and in effect transforming provisional eviction orders into permanent ones, in breach of the guidelines of the Committee established in its General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions.

610. The Committee is concerned about the frequently excessively competitive and stressful nature of all levels of education, which results in school absence, illness, and even suicide by students.

611. The Committee expresses its concern about the fact that there are very limited possibilities for children of minorities to enjoy education in their own language and about their own culture in public schools. The Committee is also concerned about the fact that minority schools, such as Korean schools, are not officially recognized, even when they adhere to the national education curriculum, and therefore neither receive central government subsidies nor are able to provide qualification for university entrance examinations.

D. Suggestions and recommendations

612. The Committee urges the State party to review its position towards its legal obligations arising under the Covenant and that its provisions be interpreted as being directly applicable in practice, as outlined in the Committee's general comments, including General Comments No. 13 (1999) on the right to education (art. 13 of the Covenant) and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), at least in relation to the core obligations. The State party is further encouraged to introduce "human rights impact

assessments", comparable to environmental impact assessments, and other measures to ensure that the provisions of the Covenant are taken into consideration in legislative and administrative policy and decision-making processes.

613. The Committee urges the State party to consider the withdrawal of its reservations to articles 7 (*d*), 8, paragraph 2, and article13, paragraph 2 (*b*) and (*c*) of the Covenant.

614. The Committee also recommends that the State party improve teaching and training programmes on human rights for judges, prosecutors and lawyers in order to enhance knowledge, awareness and application of the Covenant.

615. While appreciative of the measures undertaken by the State party to promote and protect economic, social and cultural rights, the Committee urges the State party to adopt, through an open and consultative process, a comprehensive national plan of action, in accordance with paragraph 71, of the Vienna Declaration and Programme of Action.[10] The Committee requests the State party to annex a copy of its national plan of action to its third periodic report, and to explain how the plan promotes and protects economic, social and cultural rights.

616. The Committee urges the State party to increase its efforts to provide international assistance to developing countries and to establish a time frame within which the internationally accepted goal of 0.7 per cent of GNP set by the United Nations will be achieved. The Committee also encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those institutions are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 11, 15, 22 and 23 concerning international assistance and cooperation.

617. The Committee welcomes the State party's indication that it proposes to establish a national human rights institution and urges the State party to do so as soon as possible and in accordance with the Paris Principles[8] and the Committee's General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

618. The Committee requests the State party to take note of its position that the principle of non-discrimination, as laid down in article 2, paragraph 2, of the Covenant, is an absolute principle and can be subject to no exception, unless the distinction is based on objective criteria. The Committee strongly recommends that the State party strengthen its non-discrimination legislation accordingly.

619. While noting that the State party is currently in the process of consultations with Koreans living in the Utoro area regarding their unresolved situation, the Committee recommends that the State party continue to undertake necessary measures to combat patterns of de jure and de facto discrimination against all minority groups in Japanese society, including the Buraku and Okinawa communities and the indigenous Ainu, particularly in the fields of employment, housing and education.

620. The Committee urges the State party to remove the concept of "illegitimate children", which is unacceptable in a modern society, from legislation and practice, urgently to take legislative and administrative measures to eliminate all forms of discrimination against children born out of wedlock, and further to restore the Covenant rights of persons so affected (art. 2, para. 2, and art. 10).

621. The Committee urges the State party to implement more vigorously existing legislation and to adopt new legislation with an appropriate gender perspective, with a view to ensuring greater equality of men and women, especially in the fields of employment, labour conditions, wages and representation in higher positions in political representative bodies, public services and administration.

622. The Committee recommends that the State party provide detailed information and statistical data on cases of domestic violence, sexual harassment and sexual exploitation of children. The Committee also recommends that the State party apply strictly its domestic legislation and implement effective sanctions to the persons responsible for such crimes.

623. The Committee strongly recommends that the State party continue to address the issue of de facto inequality between men and women regarding wages for work of equal value by more actively implementing existing legislation, such as the Equal Employment Opportunity Law, and relevant administrative and other programmes and policies, such as the guidelines concerning employment management differentiated by career track, as referred to by the ILO, and by adopting appropriate new measures to that effect.

624. The Committee encourages the State party to consider ratifying ILO Conventions No. 105 (1957) concerning the abolition of forced labour, No. 111 (1958) concerning discrimination (employment and occupation) and No. 169 (1989) concerning indigenous or tribal peoples in independent countries.

625. The Committee recommends that the State party adopt the necessary legislative and administrative measures to reduce working hours in both public and private sectors.

626. The Committee recommends that the State party take measures to ensure that workers over the age of 45 years maintain their previous levels of wages and job security.

627. The Committee recommends, in line with the ILO, that the State party ensure the right of civil servants and public employees not working in essential services to organize strikes.

628. The Committee recommends increased transparency and disclosure to the population concerned of all necessary information, on issues relating to the safety of nuclear power installations, and further urges the State party to step up its preparation of plans for the prevention of, and early reaction to, nuclear accidents.

629. The Committee recommends that as the age of eligibility for the public pension system gradually increases from 60 to 65 years, the State party undertake measures to secure social security benefits for those retiring before the age of 65.

630. The Committee recommends that the State party incorporate a minimum pension into the national pension system. The Committee further recommends that the persisting de facto gender inequality in the pension system be remedied to the maximum possible extent.

631. The Committee recommends that the State party abolish discriminatory provisions in statutes and that it adopt a law against all kinds of discrimination relating to persons with disabilities. It further urges the State party to continue, and speed up, progress in enforcing the employment rate for persons with disabilities in the public sector which is provided for in legislation.

632. The Committee strongly recommends that the State party find an appropriate arrangement, in consultation with the organizations representing the "comfort women", on ways and means to compensate the victims in a manner that will meet their expectations, before it is too late to do so.

633. The Committee recommends that the State party encourage Hyogo Prefecture to step up and expand its community services, in particular to older and disabled persons.

634. The Committee recommends that the State party, in line with its obligations under article 11 of the Covenant, speedily take effective measures to assist poorer earthquake victims in meeting their financial obligations to public housing funds or banks, undertaken to reconstruct their destroyed houses, in order to help them avoid having to sell their properties to meet continuing mortgage payments.

635. The Committee urges the State party to carry out an investigation, on its own and jointly with the prefectures, to assess the extent and causes of homelessness in Japan. The State party should also take adequate measures to ensure full application of the existing laws, such as the Livelihood Protection Law, ensuring an adequate standard of living for the homeless.

636. The Committee recommends that the State party take remedial action to ensure that all eviction orders, and in particular the court order for a provisional disposition procedure, conform to the guidelines of the Committee specified in General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forcible evictions.

637. The Committee strongly recommends that the State party undertake a comprehensive review of the educational system, taking into consideration General Comments No. 11 (1999) on plans of education for primary education (art. 14 of the Covenant), and No. 13 (1999) on the right to education (art. 13 of the Covenant) of the Committee, as well as General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child) of the Committee on the Rights of the Child. The review should focus in particular on the frequently excessively competitive and stressful nature of all levels of education, which results in school absence, illness, and even suicide by students.

638. The Committee on Economic, Social and Cultural Rights urges the State party to ensure that school textbooks and other teaching materials present issues in a fair and balanced manner which reflects the aims and objectives of education, as set out in article 13, paragraph 1, of the Covenant, the Committee's General Comment No. 13 (1999) and General Comment No. 1 (2001) of the Committee on the Rights of the Child.

639. The Committee on Economic, Social and Cultural Rights strongly recommends that mother-tongue instruction be introduced in the official curricula of public schools enrolling a significant number of pupils belonging to linguistic minorities. The Committee further recommends that the State party officially recognize minority schools, in particular Korean schools, when they comply with the national education curriculum, and consequently make available to them subsidies and other financial assistance, and also recognize their school leaving certificates as university entrance examination qualifications.

640. The Committee requests the State party to provide more extensive information in its next periodic report on the following issues which could not be sufficiently dealt with in the dialogue: the rights of foreigners, including undocumented workers and apprentices, to just and favourable working conditions, social security and health services, and the rights of patients.

641. The Committee recommends that the State party disseminate its concluding observations widely among all levels of society and inform the Committee of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society at an early stage in the preparation of the third periodic report.

642. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006, and to include in that report detailed information on the steps undertaken to implement the recommendations contained in the present concluding observations.

GERMANY

643. The Committee considered the fourth periodic report of Germany on the implementation of the Covenant (E/C.12/4/Add.3) at its 48th and 49th meetings, held on 24 August 2001, and adopted, at its 57th and 58th meetings, held on 30 and 31 August 2001, the following concluding observations.

A. Introduction

644. The Committee welcomes the fourth periodic report of the State party, which was prepared in general conformity with the Committee's guidelines.

645. The Committee notes with appreciation the high quality of the extensive written and oral replies given by the State party, as well as the open and constructive dialogue with the delegation, which included government officials with expertise in the subjects relevant in the context of the Covenant.

B. Positive aspects

646. The Committee recognizes that the State party is at present actively promoting economic, social and cultural rights both nationally and internationally. The Committee particularly welcomes recent positive developments concerning these rights, such as the Third Expert Consultation on the Right to Food organized by the State party in Bonn in March 2001, the State party's efforts at the Commission on Human Rights to establish the mandate of the Special Rapporteur on adequate housing, and its revised and more favourable position on a draft optional protocol to the Covenant.

647. The Committee acknowledges the efforts made by the State party to combat racism and xenophobia, in particular the creation by the Federal Government of the Alliance for Democracy and Tolerance Against Extremism and Violence.

648. The Committee notes with satisfaction that the State party has involved the German Non-Governmental Organizations Forum for the World Summit for Social Development in the preparation of its report, in accordance with the Committee's recommendation in its concluding observations on the third periodic report of Germany.[17]

649. The Committee also notes with appreciation that the State party is committed to international cooperation and the provision of development aid, in both bilateral and multilateral frameworks, to combat poverty and promote economic, social and cultural rights.

650. The Committee warmly welcomes the creation of the Bundestag Committee on Human Rights and Humanitarian Aid in 2000 and the German Institute for Human Rights in 2001.

651. The Committee acknowledges with appreciation the efforts made by the State party towards the elimination of disparities in living conditions between old and new Länder since reunification in 1990.

652. The Committee welcomes the revision of the State party's legislation and policy on naturalization, which now facilitates the acquisition of German citizenship.

653. The Committee recognizes the progress achieved by the State party against commercial sexual exploitation, in particular of minors.

C. Principal subjects of concern

654. While welcoming the recent establishment of the German Institute for Human Rights, the Committee notes that the Institute's functions appear to be limited to research, education and the provision of policy advice, and that it does not enjoy the powers often associated with national human rights institutions, such as the power to investigate complaints, conduct national inquiries and formulate recommendations for employers and other actors. In the context of the Covenant,

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[17] See *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, para. 338.

these limitations are especially regrettable because economic, social and cultural rights receive less attention and enjoy fewer safeguards than civil and political rights in the State party.

655. The Committee reiterates its concern about the lack of any court decisions in which reference is made to the Covenant and its provisions, as indicated by the statement made by the State party in its written replies to the list of issues (E/C.12/Q/GER/2) and as confirmed by the delegation during its dialogue with the Committee. The Committee is concerned that judges are not provided with adequate training on human rights, in particular on the rights guaranteed in the Covenant. A similar lack of human rights training is discerned among prosecutors and other actors responsible for the implementation of the Covenant.

656. The Committee expresses its concern that there is no comprehensive and consistent system in place that ensures that the Covenant is taken into account in the formulation and implementation of all legislation and policies concerning economic, social and cultural rights.

657. The Committee regrets that, according to UNDP, the State party devoted 0.26 per cent of its GNP to official development assistance in 1998, well below the goal of 0.7 per cent set by the United Nations.

658. The Committee is concerned about the considerable length of time taken to process applications for asylum, resulting in the limitation of the enjoyment of the economic, social and cultural rights enshrined in the Covenant by asylum-seekers and their dependents.

659. The Committee is concerned that, despite the great efforts made by the State party to narrow the gap between the new and the old Länder, considerable differences continue to exist, particularly in terms of generally lower standards of living, a higher unemployment rate, and lower wages for civil servants in the new Länder.

660. The Committee expresses its concern about the high levels of unemployment that continue to persist in the State party, especially among youth. The problem of youth unemployment is particularly grave in the new Länder, resulting in the migration of young persons to the old Länder. The Committee is further concerned that vocational training programmes for the youth are not adequately adapted to their needs.

661. Like the ILO, the Committee is concerned about the persisting impediments to women in German society, in terms of promotion in employment and equal wages for work of equal value, both in the private and public sectors, and especially in federal bodies and academic institutions, despite the efforts of the State party to give a new impetus to the equal participation of women in the labour market.

662. The Committee is concerned that the State party has not adequately addressed the issue of illegal workers who are employed in the "shadow economy", such as workers in households, hotel and catering industries, agriculture and the cleaning and building industries, who do not enjoy any rights or protection and do not get paid regularly or adequately.

663. The Committee is concerned that prisoners who undertake labour for private companies may be doing so without having expressed their prior consent.

664. The Committee reiterates its concern, in line with the Human Rights Committee and the Committee of Experts on the Implementation of ILO Conventions and Recommendations, that the prohibition by the State party of strikes by public servants other than public officials who do not provide essential services, such as judges, civil servants (*Beamte*) and teachers, constitutes a restriction of the activities of trade unions that is beyond the scope of article 8, paragraph 2, of the Covenant. The Committee disagrees with the State party's statement that "a strike would be incompatible with this duty of loyalty and would run counter to the purpose of a professional civil service" (E/C.12/4/Add.3, para. 82), as this interpretation of "the administration of the State" mentioned in article 8, paragraph 2, of the Covenant exceeds the more restrictive interpretations by the Committee, ILO Convention No. 98 (1949) concerning the application of the right to organize and to bargain collectively, and the Court of Justice of the European Communities.

665. The Committee is concerned that the State party's reformed social security, and the pension system under reform, do not take sufficiently into consideration the needs of families, women, elderly persons and the more disadvantaged groups in society. The Committee notes that the pension reform is currently still in progress, but that the Federal Constitutional Court recently referred to potential discrimination against families under the scheme as envisaged.

666. The Committee expresses its grave concern about inhumane conditions in nursing homes owing to structural deficiencies in nursing, as confirmed by the Medizinischer Dienst der Spitzenverbände der Krankenkassen (medical service of the national associations of health insurance funds).

667. The Committee is concerned that the victims of trafficking in persons, and in particular women, are doubly victimized, owing to a lack of sensitization of police, judges and public prosecutors, a lack of appropriate care for victims, and the risks and dangers awaiting them upon deportation to their home countries.

668. The Committee is concerned about the shortage of child day care institutions, which constitutes an obstacle to women's equal participation in the labour market, as well as to the State party's efforts to promote gender equality.

669. The Committee reiterates its concern that the State party has not yet established a definition of poverty, nor a poverty threshold. The Committee is particularly concerned about the fact that social assistance provided to the poor and socially excluded - such as single parents, students and disabled pensioners - under the Federal Social Assistance Act - is not commensurate with an adequate standard of living.

670. The Committee reiterates its concern about the rising number and plight of homeless persons in Germany, as mentioned in the Committee's concluding observations on the third periodic report of Germany.

671. The Committee is concerned that several Länder have abandoned the principle of free higher education by requiring the payment of fees, which in some cases are allocated to cover administrative costs of the Länder, and not university expenditure.

D. Suggestions and recommendations

672. Given the limited functions and powers of the German Institute for Human Rights, the Committee recommends that the State party take steps either to extend the Institute's functions and powers, or to establish a separate national human rights institution with broad functions and powers, such as those indicated above (para. 654). In the meantime, the Committee recommends that the Institute, consistent with its existing functions and powers: devote the same attention to economic, social and cultural rights as to civil and political rights; organize programmes to raise awareness of economic, social and cultural rights, especially among public officials, lawyers and the judiciary; give particular attention to the relationship between human rights and international cooperation; and be responsible for preparing a comprehensive plan of action in full conformity with paragraph 71 of the Vienna Declaration and Programme of Action.[10]

673. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, articles 11, 15, 22 and 23 concerning international assistance and cooperation.

674. The Committee suggests that the State party review and strengthen its institutional arrangements within the public administration, to ensure that its obligations under the Covenant are taken into account at an early stage in the formulation of legislation and policy on issues relating to social welfare and assistance, housing, health and education. The State party is further encouraged to introduce "human rights impact assessments", comparable to environmental impact assessments, to ensure that the provisions of the Covenant are given due attention in all legislative and administrative policy and decision-making processes.

675. The Committee urges the State party to ensure that its percentage of GNP devoted to official development assistance rises steadily towards the United Nations goal of 0.7 per cent.

676. The Committee recommends that the State party address more expeditiously applications for asylum in order to avoid limiting applicants' enjoyment of their economic, social and cultural rights.

677. The Committee encourages the State party to continue undertaking measures to ensure that the differences between new and old Länder in terms of standard of living, employment and wages for civil servants are decreased.

678. The Committee recommends that the State party take immediate necessary measures to continue to address the high level of unemployment, especially among the youth and in particular in the Länder faced with higher levels of unemployment. The Committee also recommends that the State party provide incentives for young persons to stay and work in their own regions.

679. The Committee recommends that the State party continue to undertake necessary measures, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of promotion and equal wages for work of equal value.

680. The Committee strongly recommends that the State party take the necessary legislative and administrative measures to oblige employers to respect labour legislation and to declare the persons they employ, in order to reduce the number of illegal workers who do not enjoy the minimum protection of their rights to social security and health care.

681. The Committee recommends that the State party undertake measures to ensure that prisoners working for private companies do so after having expressed their prior consent.

682. The Committee reiterates its recommendation to the State party that it ensure that civil servants who do not provide essential services have the right to strike, in accordance with article 8 of the Covenant.

683. The Committee urges the State party to ensure that the reformed social security system, and the pension system under reform, take into account the situation and needs of disadvantaged and vulnerable groups in society. In particular, the Committee strongly urges the State party to address the problems and deficiencies emerging in the implementation of the long-term insurance scheme. The Committee requests the State party to provide detailed information on the results of the implementation of the reformed pension scheme in its next periodic report.

684. The Committee also urges the State party to adopt urgent measures to improve the situation of patients in nursing homes.

685. The Committee strongly recommends that the State party undertake training programmes for those dealing with victims of trafficking in persons to ensure that they are sensitized to the needs of the victims, to provide better protection and appropriate care, and to ensure that victims can claim redress before courts of law.

686. The Committee recommends that the State party increase the availability of child day care institutions, especially in the western Länder.

687. The Committee urges the State party to establish a poverty threshold for its territory, taking into account the parameters used in the State party's first poverty and prosperity report, as well as international definitions of poverty, including the one adopted in the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below). In particular, the Committee urges the State party to ensure that social assistance provided under the Federal Social Assistance Act is commensurate with an adequate standard of living.

688. The Committee also urges the State party to take effective measures, and to devise programmes, to examine the extent and causes of homelessness in Germany and to ensure an adequate standard of living for the homeless.

689. The Committee recommends that the German Federal Government introduce a reduction of tuition fees in the national framework legislation regulating higher education, with a view to abolishing them. The Committee requests the State party to provide detailed and updated information and comparative statistical data on the quality of tertiary education, such as class sizes, in its next periodic report. The Committee also requests the State party to provide up-to-date information in its next periodic report on the extent of human rights education in the German education system.

690. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee of all steps taken to implement them in its next periodic report. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its next periodic report.

691. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2006, and to include in this report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

ISRAEL

692. At its 39th meeting, held on 17 August 2001, the Committee considered the additional information submitted by the State party (E/1989/5/Add.14) in response to the request made by the Committee in its concluding observations adopted after consideration of the initial report of Israel on the implementation of the Covenant.[18] The Committee adopted, at its 47th meeting, held on 23 August 2001, the following concluding observations.

693. In its concluding observations on the initial report of Israel (para. 258), the Committee requested the State party "to provide additional information on the realization of economic, social and cultural rights in the occupied territories, in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations". The Committee requested that the additional information be submitted in time for its twenty-fourth session in November-December 2000.

694. In a note verbale dated 3 November 2000, the Permanent Mission of Israel to the United Nations Office at Geneva informed the Committee that the additional information would be included in the State party's second periodic report, which the State party planned to submit no later than March 2001.

695. In a letter dated 1 December 2000 to the Permanent Representative of Israel,[19] the Chairperson of the Committee reminded the State party that the Committee had called for the additional information to be submitted in time for the twenty-fourth session and emphasized that some of the additional information concerning the occupied territories had been requested "in

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[18] See *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 227-272.

[19] Ibid., *2000, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex X.

order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations". Since the additional information formed part of the State party's initial report, it should be submitted, and would be considered, separately from the State party's second periodic report.

696. The Chairperson urged the State party to submit by 1 March 2001 up-to-date information on the realization of economic, social and cultural rights in the occupied territories, giving particular attention to the issues that were identified in the concluding observations of the Committee, as well as those mentioned in the letter of the Chairperson. The Committee scheduled its consideration of the additional information for the afternoon of 4 May 2001 and invited the State party to participate in the discussion.

697. The additional information was received on 20 April 2001, too late for it to be translated into the working languages of the Committee, as required by rule 24 of its rules of procedure, for the twenty-fifth session. Consequently, consideration of the additional information had to be postponed again to the Committee's twenty-sixth session in August 2001. The State party was informed of the deferral in a letter dated 11 May 2001 (annex IV below).

698. At its twenty-fifth session, the Committee invoked rule 64 of its rules of procedure, which provides that the Committee may make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and reports submitted by specialized agencies, in order to assist the Economic and Social Council to take action in pursuance of articles 21 and 22 of the Covenant. Accordingly, the Chairperson addressed a letter dated 11 May 2001 (annex V below) to the President of the Council, enclosing a copy of a letter of the same date addressed to the State party citing alleged violations of the Covenant which had been brought to the Committee's attention.

699. In a note verbale dated 14 August 2001, the Permanent Mission of Israel to the United Nations Office at Geneva informed the Committee that owing to complications concerning preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance scheduled to take place in Durban, South Africa, the delegation of the State party would be unable to travel to Geneva to attend the Committee's twenty-sixth session. The State party also informed the Committee that it had submitted its second periodic report and requested that the additional information previously submitted to the Committee be considered together with the second periodic report at a future session of the Committee.

700. At its 39th meeting, on 17 August 2001, a representative of the Government of Israel read a statement before the Committee (annex VI below), but declined to participate in the consideration of the additional information that was scheduled for that meeting. The Committee therefore decided to proceed with the consideration of the additional information in accordance with the decision taken at its twenty-fifth session.

701. The Committee noted that the additional information submitted by the State party did not include information on the realization of economic, social and cultural rights in the occupied territories, except in relation to East Jerusalem. In the absence of such information in relation to the other occupied territories, and in accordance with its procedure concerning reports that had

not been submitted or were overdue, which the Committee had begun to apply at its ninth session, the Committee proceeded to discuss the situation in the occupied territories. This would complete the consideration of the State party's initial report.

702. The Committee deplores the State party's refusal to report on the occupied territories and the State party's position that the Covenant does not apply to "areas that are not subject to its sovereign territory and jurisdiction". The Committee's views on this issue have already been firmly expressed in its concluding observations on the initial report of Israel. The Committee notes the statement of the State party in the additional information it submitted to the Committee (para. 5), that powers and responsibilities "continue to be exercised by Israel in the West Bank and the Gaza Strip" according to agreements reached with the Palestinians.

703. The Committee rejects the State party's assertion regarding the distinction under international law between human rights and humanitarian law to support its argument that the Committee's mandate "cannot relate to events in the Gaza Strip and West Bank". The Committee reminds the State party that even during armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international humanitarian law.

704. The Committee expresses its deep concern about the State party's continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted by the State party to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. The Committee is particularly concerned that on frequent occasions, the State party's closure policy has prevented civilians from reaching medical services and that emergency situations have ended at times in death at checkpoints. The Committee is alarmed over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas.

705. The Committee continues to be concerned that the State party's Law of Return denies indigenous Palestinian refugees the right to return to their homes and properties.

706. The Committee urges the State party to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of civilians between points within and outside the occupied territories. In this regard, the Committee urges the State party to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in violations of the economic, social and cultural rights of the population living in the occupied territories. The Committee expresses its firm conviction that the implementation of the International Covenant on Economic, Social and Cultural Rights can play a vital role in procuring a lasting peace in Israel and Palestine.

707. The Committee reiterates its request that the State party provide information on the realization of economic, social and cultural rights in all occupied territories. This information should be submitted in time for it to be considered together with the State party's second periodic report, which is tentatively schedule for the thirtieth session of the Committee in April-May 2003. The rest of the information already submitted will be considered together with the second periodic report.

Twenty-seventh session

SWEDEN

708. The Committee considered the fourth periodic report of Sweden on the implementation of the Covenant (E/C.12/4/Add.4) at its 61st and 62nd meetings, held on 13 November 2001 and adopted, at its 74th and 75th meetings, held on 21 and 22 November 2001, the following concluding observations.

A. Introduction

709. The Committee welcomes the fourth periodic report of the State party, which follows the Committee's guidelines.

710. The Committee notes with appreciation the extensive written replies by the State party to its list of issues (E/C.12/Q/SWE/2). The Committee also expresses its satisfaction with the constructive and frank dialogue with the State party's delegation, which consisted of members with expertise in all the fields relevant in the context of the Covenant. The Committee welcomes the State party's intention to disseminate the contents of these concluding observations among all levels of society by, inter alia, holding a press conference.

B. Positive aspects

711. The Committee warmly welcomes the creation of an interdepartmental working group to draw up a proposal for a national plan of action for human rights, as foreseen in paragraph 71 of the Vienna Declaration and Programme of Action.[10] The Committee also takes note that the national plan of action is being drawn up with the broad participation of civil society and that economic, social and cultural rights are being addressed.

712. The Committee notes with appreciation the sustained efforts of the State party to combat racism, xenophobia, anti-Semitism and other forms of intolerance in the country through a variety of measures. The Committee, in the light of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, warmly welcomes the adoption of the National Action Plan to Combat Racism, Xenophobia, Homophobia and Discrimination, early in 2001.

713. The Committee warmly welcomes the efforts of the State party with respect to the mainstreaming of human rights in bilateral and multilateral development cooperation programmes, in accordance with article 2, paragraph 1, of the Covenant.

714. The Committee acknowledges that the State party for many years has allocated 0.7 per cent or more of its GNP to development assistance, thereby meeting and sometimes surpassing the United Nations goal and contributing to the realization of economic, social and cultural rights in other countries.

715. The Committee recognizes that a number of Ombudspersons exist in the country, dealing with different aspects of human rights with a focus on discrimination issues. The Committee welcomes the creation of the office of an Ombudsperson against Discrimination due to Sexual Orientation.

716. The Committee notes with satisfaction the State party's policies and measures aimed at reducing unemployment and at improving the situation in the labour market.

717. The Committee notes with satisfaction the State party's efforts to combat domestic violence. The Committee particularly welcomes the introduction of the offence of "gross violation of the woman's integrity" in chapter 4, section 4 (*a*) of the Swedish Penal Code, as well as its support of men's organizations dedicated to combating violence against women.

718. The Committee appreciates that the State party is committed to combating prostitution by strengthening its efforts to prevent trafficking in persons and by making the buying or even soliciting of sexual services a criminal offence.

719. The Committee welcomes the new legislation criminalizing in particular complicity in child pornography and the efforts undertaken by the State party to facilitate the prosecution of perpetrators.

720. The Committee notes with appreciation that the State party has allocated increased resources to social programmes, starting in the mid-1990s, with a view to restoring the social security system.

C. Factors and difficulties impeding the implementation of the Covenant

721. The Committee notes that there are no factors and difficulties which prevent the effective implementation of the Covenant in the territory of the State party.

D. Principal subjects of concern

722. The Committee regrets that the Covenant is not given full effect in the State party's legal order and therefore cannot be directly invoked before the courts.

723. The Committee expresses its concern about the persisting unclear situation with regard to Sami land rights.

724. The Committee regrets that the State party has not yet ratified ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries in spite of an apparently favourable attitude towards it.

725. The Committee expresses its concern about the increasing number of complaints concerning discrimination on ethnic grounds in the workplace.

726. The Committee, while commending the State party's efforts with regard to gender equality, notes with concern that there continues to be inequality in wages and that women earn only 83 per cent of men's salaries.

727. The Committee is concerned that domestic work is not adequately regulated in national law.

728. The Committee takes note that the State party has maintained its reservation with regard to article 7 (*d*) of the Covenant concerning the right to remuneration for public holidays.

729. The Committee notes that the State party has not ratified ILO Convention No. 131 (1970) concerning minimum wage fixing, with special reference to developing countries, and that it has no intention to do so, on the ground that the minimum wage is settled by means of collective agreements or individual contracts.

730. The Committee regrets that sexual exploitation of minors and women committed by Swedish citizens abroad is only punishable if the requirement of "dual criminality" is fulfilled.

E. Suggestions and recommendations

731. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties under the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 22 and 23 concerning international assistance and cooperation.

732. The Committee urges the State party to ensure that the promotion of economic, social and cultural rights is made a major component in the pending national plan of action for human rights.

733. While recognizing that a number of Ombudspersons exist in the State party, the Committee recommends that the State party consider, in the framework of its national plan of action for human rights, the creation of a national human rights institution to deal with the protection and promotion of all human rights, including economic, social and cultural rights.

734. The Committee urges the State party to take appropriate steps to give full effect to the Covenant in its legal system, so that the rights covered by it may be directly invoked before the courts.

735. The Committee recommends that the State party implement the proposal, made in the additional information provided after the dialogue had taken place, of setting up a committee to review, identify and clarify the issues concerning the land rights of the Sami, so that ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries can soon be ratified.

736. The Committee encourages the State party to take additional measures to prevent discrimination against immigrants and refugees, especially in the workplace.

737. The Committee urges the State party to intensify its efforts with respect to gender equality and to take the necessary measures, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.

738. The Committee recommends that the State party ensure that domestic work is adequately regulated, so that domestic workers enjoy the same legal protection as other employees.

739. The Committee recommends that the State party withdraw its reservation to article 7 (*d*) of the Covenant.

740. The Committee invites the State party to reconsider its position towards the ratification of ILO Convention No. 131 (1970) concerning minimum wage fixing.

741. The Committee encourages the State party to adopt a comprehensive national public health strategy and a plan of action in which it sets benchmarks for its health care strategies.

742. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

743. The Committee urges the State party to adopt special measures criminalizing the trafficking of human beings.

744. The Committee urges the State party to ensure that education in independent schools, including those that have been established in the form of private companies with shareholders, is in full conformity with article 13 of the Covenant, in particular paragraph 1, on educational aims and objectives, and with the Committee's General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

745. The Committee urges the State party to take additional and effective measures that promote instruction in the mother tongue of minorities and immigrants.

746. The Committee urges the State party to repeal the requirement of "dual criminality" in relation to the offence of sexual exploitation of minors and women committed by Swedish citizens abroad.

747. The Committee encourages the State party to provide more specific, disaggregated and comparative data in its fifth periodic report, in particular with respect to the privatization of health care in the country.

748. The Committee requests the State party to inform the Committee in its next periodic report of steps taken to implement the present concluding observations. The Committee also encourages the State party to continue involving non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

749. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2006.

COLOMBIA

750. The Committee considered the fourth periodic report of Colombia on the implementation of the Covenant (E/C.12/4/Add.6) at its 63rd and 64th meetings, held on 14 November 2001, and adopted, at its 85th and 86th meetings, held on 29 November 2001, the following concluding observations.

A. Introduction

751. The Committee welcomes the submission of the fourth periodic report of Colombia, which has been prepared in conformity with the Committee's guidelines.

752. The Committee welcomes the extensive written replies to the list of issues (E/C.12/Q/COL/2), but regrets their late submission. The Committee, while welcoming the frank nature of the dialogue with the delegation, regrets that there were not enough experts present during the dialogue.

B. Positive aspects

753. The Committee notes the State party's efforts to achieve peace through dialogue and negotiations with the main parties to the conflict.

754. The Committee welcomes the National Development Plan "Change for Building Peace - 1998-2002".

755. The Committee welcomes the enactment of Law 387 of 1997, which entrusted the Government with establishing a series of norms to prevent displacement and to protect those who have been displaced.

756. The Committee welcomes the adoption in June 2000 of Act No. 584, which amended the Substantive Labour Code, and the ratification of five ILO conventions, including Convention No. 151 (1978) concerning protection of the right to organize and procedures for determining conditions of employment in the public service.

C. Factors and difficulties impeding the implementation of the Covenant

757. The Committee notes with deep concern the extreme inequalities and the social injustice prevailing in Colombia, as well as drug trafficking, which, inter alia, have led to serious and widespread increase in violence in the country. This violence has seriously affected the implementation of the rights protected under the Covenant.

758. The Committee takes note that the recent economic recession along with certain aspects of the structural adjustment programmes and economic liberalization policies introduced by the State party have aggravated the negative effects on the enjoyment of economic, social and cultural rights by the population, in particular the most disadvantaged and marginalized groups.

D. Principal subjects of concern

759. The Committee regrets that the State party has not provided sufficient information on specific measures it has taken to address and implement the recommendations contained in the concluding observations adopted by the Committee after consideration of Colombia's third periodic report,[20] particularly on the high level of poverty, the magnitude of the problem of displaced persons, street children, discrimination against women, the situation of indigenous communities, the protection of trade union members and human rights advocates, free education, the situation of "community mothers" and low-income housing.

760. The Committee notes with serious concern the increasing number of internally displaced persons. The Committee is particularly concerned that the internally displaced persons come from the most disadvantaged and marginalized groups, predominantly women and children, peasants and members of the country's indigenous and Afro-Colombian communities who have been driven out of their areas by violence and armed conflict. In particular, the Committee notes with concern the negative consequences of the military part of "Plan Colombia", which has led to further displacements of population groups affected by the spraying of illegal crops.

761. The Committee notes with regret that the traditional lands of indigenous peoples have been reduced or occupied, without their consent, by timber, mining and oil companies, at the expense of the exercise of their culture and the equilibrium of the ecosystem.

762. The Committee takes note that gender equality has stagnated and even deteriorated since 1997, exposing women to the general impoverishment of the country. The Committee regrets that the National Directorate for Women's Equity, which initially was created as a financially and administratively autonomous institution, has lost its autonomy and had its budget reduced when it was integrated into the Government to become the Presidential Advisory Office on Women's Equity.

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[20] *Official Records of the Economic and Social Council, 1996, Supplement No. 2* E/1996/22-E/C.12/1995/18), chap. V, paras. 193-202.

763. The Committee is concerned about the reduction in the budget of the Colombian Family Welfare Institute's Community Mothers Programme, which provides care for nearly 1.3 million children. It deplores the fact that "community mothers" are not yet recognized as workers and do not receive the minimum wage.

764. The Committee is deeply concerned about the rapid growth of the unemployment rate. The Committee is particularly concerned that unemployment affects mainly young people and women.

765. The Committee is concerned that the national minimum wage is not sufficient to ensure an adequate standard of living for workers and their families. The Committee is also concerned that there is still a large disparity between the wages of men and women, particularly in the commercial sector, and that according to the Presidential Advisory Office on Women's Equity, women's wages in general are 25 per cent lower than men's.

766. The Committee is deeply concerned about the personal security of workers and trade union representatives, both of whom are at high risk of physical violence, including murder. The Committee is appalled to note that more than 1,500 trade union members were killed between 1991 and 2001, often merely because they belonged to a trade union, and that others were threatened or forced to become displaced. The Committee is also concerned that many workers cannot exercise their rights to join a trade union, to participate in collective bargaining and to strike.

767. The Committee is concerned that 43 per cent of the Colombian population are not yet covered by social security. The Committee notes that the State party has not yet ratified ILO Convention No. 102 (1952) concerning minimum standards of social security.

768. The Committee is concerned about the persistence of child labour in Colombia despite the measures adopted by the State party to address this problem. The Committee also notes with concern that the State party has not ratified ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

769. The Committee is deeply concerned about the high numbers of street children and children affected by armed conflict. The Committee is particularly concerned that children are being forced to participate in the armed conflict.

770. The Committee is concerned about the fact that housing subsidies have been reduced substantially and about the inadequate living space and poor structural quality of houses in the provinces of Sucre, Córdoba, Bolívar and Magdalena, among others.

771. The Committee is deeply concerned about the living conditions of internally displaced persons, in particular women, children, peasants and members of the country's indigenous and Afro-Colombian communities.

772. The Committee is deeply concerned that the State party has not yet undertaken genuine agrarian reform in order to address effectively the problems of poverty and economic disparities in the rural areas.

773. The Committee is deeply concerned about the current low status of women's sexual and reproductive health rights and in particular about the increased incidence of illegal abortions. The Committee is also concerned about the high infant and child mortality, especially in the rural areas.

774. The Committee is concerned about the reduction of the vaccination programmes in the country, which has resulted in heightened exposure of the population, especially children, to a variety of infectious diseases.

775. The Committee is concerned about the reduction of State subsidies for health care, which makes access to health care even more difficult, particularly in the rural areas where health care coverage is already significantly more limited than in urban areas. The Committee also notes that women and indigenous groups are adversely affected by this reduction in subsidies.

776. The Committee notes that article 67 of the Constitution guarantees free public education, except for those who can afford to pay fees. It notes with concern that the imposition of fees prevented a number of children from having access to free primary education and that their families had to institute legal proceedings in order to obtain such access. This practice by the State party is contrary to articles 13 and 14 of the Covenant.

777. The Committee is concerned about the poor quality of education at all levels. It is also concerned that the State party has one of the lowest adult literacy rates in the region.

E. Suggestions and recommendations

778. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

779. The Committee recommends that the State party seek appropriate means to reduce the extreme social inequalities and increase its efforts to put an end to the armed conflict by political negotiation, which is the only way effectively to guarantee the economic, social and cultural rights of all citizens.

780. The Committee requests the State party to provide information in its fifth periodic report on the implementation of the concluding observations adopted by the Committee after consideration of the third periodic report of Colombia, and in particular of the points raised above (para. 759).

781. The Committee urges the State party to undertake effective measures to avoid the displacement of persons, to implement the decisions of the Constitutional Court in this regard and to establish a comprehensive public policy giving priority to this problem.

782. The Committee urges the State party to ensure that indigenous peoples participate in decisions affecting their lives. The Committee particularly urges the State party to consult and seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and on any public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries.

783. The Committee urges the State party to take the necessary legislative and financial measures to ensure the independence of the Presidential Advisory Office on Women's Equity in order to enable it to address the serious gender issues in the country effectively.

784. The Committee reiterates the recommendation made in its concluding observations on the third report of Colombia that the employment status of "community mothers" should be regularized by treating them as workers, so that they are entitled to the minimum wage.

785. The Committee encourages the State party to take steps to reduce its high unemployment rate and to address in particular the problem of unemployment among young people and women.

786. The Committee calls upon the State party to ensure that the minimum wage enables workers and their families to have an adequate standard of living. It also urges the State party to adopt a policy of equal pay for work of equal value as provided for in the Covenant and to reduce the wage gap between men and women.

787. The Committee urges the State party to take effective measures to provide for the personal security of trade union representatives, to try and punish the persons responsible for murdering trade union members and to provide for appropriate compensation for the victims' families. The Committee also calls upon the State party to take all necessary steps, including legislative and administrative ones, to ensure that all workers can exercise their trade union rights.

788. The Committee urges the State party to consider ratifying ILO Convention No. 102 (1952) concerning minimum standards for social security and to take measures to ensure that the coverage of the social security system is significantly increased.

789. The Committee urges the State party to take effective measures to strengthen existing laws on child labour and to improve its monitoring mechanisms in order to ensure that those laws are enforced and to protect children from economic exploitation. In this respect, the Committee urges the State party to ratify ILO Convention No. 182 (1999) concerning the worst forms of child labour.

790. The Committee calls upon the State party urgently to undertake measures to address the problem of street children and children affected by armed conflict and to prevent and discourage children from taking up arms.

791. The Committee urges the State party to take measures to increase housing subsidies, especially in the poorest provinces. It recommends the adoption of a system for the financing of low-income dwellings to give the poorest groups access to adequate housing.

792. The Committee calls upon the State party to take steps to improve the living conditions of internally displaced persons, in particular women and children, peasants and members of the country's indigenous and Afro-Colombian communities.

793. The Committee urges the State party to adopt the necessary measures to carry out genuine agrarian reform.

794. The Committee requests the State party in its next periodic report to provide detailed information based on comparative data about the problem of abortion in Colombia and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion. The Committee recommends that the State party implement vigorously its national sexual and reproductive health programme.

795. The Committee calls upon the State party to increase its efforts concerning vaccination programmes to combat diseases and infections, especially among children.

796. The Committee urges the State party to allocate a higher percentage of its GDP to the health sector and to ensure that its system of subsidies does not discriminate against the most disadvantaged and marginalized groups.

797. The Committee recommends that the State party launch an effective campaign to address the quality of education and access to it with a view to providing, inter alia, free and compulsory education. In this regard, the Committee refers the State party to its obligations under article 14 of the Covenant, according to which it must "secure … compulsory primary education, free of charge". The Committee recommends that the State party, in implementing its Decennial Plan for Education, take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant) and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from UNESCO in relation to the implementation of its plan.

798. The Committee requests the State party to provide in its fifth periodic report detailed information, including comparative statistical data over time, disaggregated on the basis of sex, age and urban/rural areas, on the extent of poverty in the country. The Committee also requests information on the measures taken to address the problem of poverty with regard to different groups as well as information on the results of such measures. The Committee refers the State party to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

799. The Committee recommends that the State party comply with the standards of the *International Guidelines* on HIV/AIDS and human rights.[21]

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[21] *HIV/AIDS and Human Rights: International Guidelines. Second International Consultation on HIV/AIDS and Human Rights, Geneva, 23-25 September 1996* (United Nations publication, Sales No. E.98.XIV.1).

800. The Committee strongly recommends the implementation of the National Action Plan for Education on Human Rights, proposed by the United Nations High Commissioner for Human Rights within the framework of the United Nations Decade for Human Rights Education (1995-2004).

801. The Committee requests the State party to disseminate these concluding observations widely among all levels of society, in particular State officials and the judiciary, and to inform the Committee of all steps taken in this respect. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

802. The Committee confirms that, if the State party so wishes, it is willing to undertake a country mission to Colombia, with a view to helping the State party implement its obligations under the Covenant, in the light of these concluding observations.

803. The Committee requests the State party to submit its fifth periodic report by 30 June 2006.

ALGERIA

804. The Committee considered the second periodic report of Algeria on the implementation of the Covenant (E/1990/6/Add.26) at its 65th and 66th meetings, held on 15 November 2001, and adopted, at its 81st meeting, held on 27 November 2001, the following concluding observations.

A. Introduction

805. The Committee welcomes the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines. The Committee further welcomes the open dialogue with the delegation, which was comprised of officials from various ministries.

806. The Committee regrets that written replies to the list of issues (E/C.12/Q/ALG/1) raised by the Committee were not transmitted to the secretariat in advance and that a number of questions raised by the Committee were not answered satisfactorily by the delegation.

B. Positive aspects

807. The Committee commends the establishment in 2001 of a new National Advisory Commission for the Promotion and Protection of Human Rights, the mandate of which extends to economic, social and cultural rights.

808. The Committee notes in particular the accession by the State party to the Convention on the Elimination of All Forms of Discrimination against Women in 1996.

809. The Committee takes note of the launching by the Government of an economic recovery programme for 2001-2004.

810. The Committee welcomes the statement made by the delegation that the interpretative declaration on article 8 of the Covenant will be withdrawn.

C. Factors and difficulties impeding the implementation of the Covenant

811. The Committee takes note of the general climate of violence that has prevailed in Algeria since 1992, as well as of the country's serious economic and social crisis. The consequences of acts of terrorism, as well as the political and economic crises, have been disastrous for the situation in the country in general and for the enjoyment of economic, social, cultural and political rights in particular.

812. The Committee further takes note of the adverse effects of the heavy foreign debt burden, the requirements of structural adjustment programmes, and the recurring droughts, on the ability of the State party to implement its obligations under the Covenant.

D. Principal subjects of concern

813. The Committee is deeply concerned at the continuing violence and acts of terrorism in the country, which impede the full realization of the rights guaranteed in the Covenant.

814. The Committee notes with concern that no case-law on the application of the Covenant exists and that the Covenant has not been invoked before national courts.

815. The Committee is of the view that the various measures taken by the State party with regard to the Vienna Declaration and Programme of Action[10] fall short of the comprehensive national human rights plan of action called for by that document.

816. The Committee notes with concern that Arabic is the only official language in the State party and that the Amazigh population continues to be denied the use of their language at the official level. The Committee further notes the announcement by the Government on 3 October 2001 that the Constitution will be amended to make Amazigh a national language.

817. The Committee is deeply concerned about the persisting discrimination in the political, social and economic spheres of life against women in Algerian society, and women's inferior position under the Family Code of the State party, already referred to in the Committee's concluding observations on the initial report of Algeria.[22] In this regard, the Committee expresses its serious concern about the considerable divergence existing in the State party between constitutional provisions, on the one hand, and national legislation and practice, on the other, particularly with regard to a number of discriminatory provisions of the Family Code, including provisions on polygamy, unilateral repudiation by the husband, the requirement of a guardian's consent for marriage, the obligation of the wife to obey her husband, gender discrimination with regard to inheritance, as well as the husband's absolute right to keep the conjugal home in the case of divorce.

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[22] See *Official Records of the Economic and Social Council, 1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), chap. V, para. 299.

818. The Committee is deeply concerned about the high rate of unemployment in the State party, which has been estimated at over 29 per cent.

819. The Committee notes with concern that an authorization is required from the Ministry of Labour and Social Protection for the establishment of new independent trade unions outside the recognized General Union of Algerian Workers.

820. The Committee notes with concern the extent of violence in the family, of which women are the principal victims, and the insufficient attention that is devoted by the authorities to this problem in terms either of prevention or of punishment.

821. The Committee is deeply concerned about the serious problem of poverty, as well as the decline in the standard of living and the increase in poverty-related diseases. The Committee expresses its profound concern about the inadequacy of measures being taken to combat this problem.

822. The Committee is deeply concerned about the acute housing shortage facing the Algerian population.

823. The Committee notes with concern the steady decline in State expenditure on the health care system, as well as the plan confirmed by the delegation to eliminate subsidies for medicines. The Committee regrets that it did not receive sufficient information on measures taken by the State party to ensure access to health services.

824. The Committee expresses its concern about the ineffectiveness of programmes to reduce the maternal and infant mortality rate in the State party.

825. With regard to education, the Committee is deeply concerned about the high drop-out rates, which was acknowledged by the delegation during the dialogue with the Committee.

826. The Committee notes with concern the data in the UNDP *Human Development Report, 2001* that indicates a significant decrease in public spending on health and education in the 1990s, as a percentage of both GNP and GDP, and also relative to military expenditure, which more than doubled as a percentage of GDP.

827. The Committee expresses its concern that the State party has not provided sufficient information on the measures it has taken in response to the suggestions and recommendations made in the concluding observations adopted by the Committee in 1995 on the initial report of Algeria .[23] Many of the issues referred to in those concluding observations remain subjects of concern in the present concluding observations.

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[23] Ibid., paras. 299-305.

E. Suggestions and recommendations

828. The Committee urges the State party to take, as a matter of priority, all steps necessary to guarantee a full measure of security to all persons within its jurisdiction, in order to fulfil its obligations under the Covenant and ensure the enjoyment of the rights guaranteed therein.

829. The Committee would welcome information on the National Advisory Commission for the Promotion and Protection of Human Rights in the next periodic report, including on its structure, mandate, powers and functioning.

830. In the light of paragraph 71 of the Vienna Declaration and Programme of Action, the Committee recommends that the State party prepare, through an open and consultative process, a comprehensive national human rights plan of action regarding the implementation of its international human rights obligations, including the Covenant. The State party is encouraged to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in this regard. The Committee requests the State party to include information on progress made in the elaboration of a national human rights plan of action, as well as in its implementation, in its third periodic report.

831. The Committee encourages the State party to preserve the language and culture of the Amazigh population and to take appropriate steps to implement the plans to accord constitutional status to the Amazigh language as a national language, as announced by the Government on 3 October 2001. The Committee furthermore recommends that the State party undertake measures towards the recognition of the Amazigh language as an official language.

832. The Committee urges the State party to undertake a radical reform of the Family Code in order to give full recognition to the equal rights of women, to conduct an information campaign on gender equality and to introduce gender mainstreaming into all its legislation in accordance with the provisions of the Covenant.

833. The Committee recommends that the State party withdraw the interpretative declarations on articles 8 and 13 of the Covenant.

834. The Committee urges the State party to formulate an effective strategy to address the acute problem of unemployment and to adopt and implement guidance and training programmes so as to ensure that young people and the unemployed can secure employment.

835. The Committee urges the State party to eliminate the various obstacles hampering the establishment of new and independent trade unions.

836. The Committee recommends that the State party adopt a national strategy to combat family violence, including awareness-raising campaigns geared towards the public at large, data collection, enactment of relevant legislation, and training courses for the police forces and the judiciary.

837. The Committee urges the State party to allot a large share of the national budget surplus to the State party's struggle against poverty. The Committee furthermore urges the State party to fully integrate human rights, including economic, social and cultural rights, in the formulation of a national strategy for poverty reduction. In this regard, the Committee refers the State party to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on 4 May 2001 (see annex VII below).

838. The Committee urges the State party to address the acute housing shortage, including through the adoption of a strategy and plan of action and through the construction of more low-cost housing units. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant).

839. The Committee invites the State party to provide information, in its next periodic report, on the privatization of the health system, the cost of medication after the implementation of the plan to eliminate subsidies for medicines and the measures the State party is taking to combat the negative effects of these changes on the health of disadvantaged and marginalized groups.

840. The Committee urges the State party to take all necessary measures in order to lower maternal and infant mortality rates and to ensure that all forms of health services are available to women and men, especially in rural areas, in particular reproductive health services.

841. The Committee urges the State party to give the most careful attention to the rights of the mentally ill. The Committee requests the State party to report fully in its third periodic report on the laws and measures adopted by the State party with regard to the mentally ill, in particular on the number hospitalized, the facilities available and the legal safeguards for the protection of patients.

842. The Committee urges the State party to ensure that its laws, regulations and practices in relation to HIV/AIDS are non-discriminatory and are in conformity with the *International Guidelines* on HIV/AIDS and human rights.[21]

843. The Committee recommends that the State party increase its expenditures for health and education and requests the State party to provide the Committee in its third periodic report with comparative statistical data on these indicators over a period of time.

844. The Committee urges the State party to take all appropriate measures in order to address the problems relating to the high dropout rates in the country's school system, as well as the relatively low enrolment rate in secondary schools.

845. The State party is urged to pursue the development and adoption of a comprehensive National Education for All Plan, as anticipated in paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000. When formulating and implementing its plan, the State party should take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant)

and No. 13 (1999) on the right to education (art. 13 of the Covenant) and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from UNESCO in relation to both the formulation and implementation of its plan.

846. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all its negotiations with international financial institutions, such as IMF, the World Bank and WTO, to ensure that economic, social and cultural rights are not undermined.

847. The Committee calls upon the State party to conduct training for judges and lawyers and to disseminate the Covenant to the public at large.

848. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report of all steps taken to implement them. It also encourages the State party to involve non-governmental organizations in the preparation of its third periodic report.

849. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006 and to include in this report detailed information on the steps it has undertaken to implement its recommendations contained in the present concluding observations.

FRANCE

850. The Committee considered the second periodic report of France on the implementation of the Covenant (E/1990/6/Add.27) at its 67th and 68th meetings, held on 16 November 2001, and adopted, at its 77th meeting, held on 23 November 2001, the following concluding observations.

A. Introduction

851. The Committee welcomes the second periodic report of the State party, which was prepared in close conformity with the Committee's guidelines.

852. The Committee notes with appreciation the quality of the report, the comprehensive written and oral replies given by the State party, as well as the open nature of the constructive dialogue with the delegation, which included government officials with expertise on subjects relevant to the provisions of the Covenant.

B. Positive aspects

853. The Committee welcomes the State party's recent efforts to address the problem of social exclusion in the State party, inter alia, by the adoption of Framework Law No. 98-657 of 29 July 1998 to combat social exclusion, particularly targeting the right to work, the right to housing and the right to health.

854. The Committee acknowledges the existence of two national human rights institutions, the National Consultative Commission of Human Rights and the National Ombudsman (*Le Médiateur de la République*).

855. The Committee notes with appreciation the efforts made by the State party to address unemployment by creating new jobs and by establishing programmes to improve access to the labour market, such as the *projet d'action personnalisé* follow-up programme for the unemployed and the *trajet d'accès à l'emploi* programme, which is aimed especially at young persons.

856. The Committee welcomes the recent court decisions convicting perpetrators of female genital mutilation.

857. The Committee notes with interest the various initiatives by the State party to combat the serious problem of domestic violence, including the launching of a national action plan in 2000.

858. The Committee also commends the State party for its campaign against alcohol and tobacco abuse, especially among young people.

859. The Committee welcomes the measures undertaken by the State party to combat trafficking in persons, child pornography and sexual exploitation of women and children.

860. The Committee notes with appreciation the progress made by the State party with regard to the right to health, particularly by establishing universal coverage of health-care insurance through Law No. 99-641 of 27 July 1999 which extends health insurance to everyone living in the national territory and provides 100 per cent coverage to persons with a very low income.

C. Factors and difficulties impeding the implementation of the Covenant

861. The Committee notes that there are no factors and difficulties which prevent the effective implementation of the Covenant in the territory of the State party.

D. Principal subjects of concern

862. The Committee expresses its concern that, despite the constitutional provision (art. 55) stipulating the primacy of international law over national law and the monistic principle adopted by the State party incorporating international law in the domestic legal order, the Covenant and its provisions are not considered directly applicable by some courts of law (e.g. the *Conseil d'Etat*), resulting in a dearth of court decisions in which reference is made to the Covenant and its provisions. The Committee is also concerned about the delegation's statement that some economic, social and cultural rights are not justiciable.

863. The Committee expresses its concern that, along with the reform of official development assistance by the State party, such assistance as a percentage of GNP has been in decline since the 1980s.

864. The Committee expresses its concern about the lack of recognition of minorities in France. While the French tradition emphasizes the unity of the State and the equality of all French citizens, and while there is a commitment on the part of the State party to respect and protect equal rights for all, the Committee is of the opinion that the fact that all individuals are guaranteed equal rights in the State party and that they are all equal before the law does not mean that minorities do not have the right to exist and to be protected as such in the State party. The Committee emphasizes that equality before the law is not always adequate to ensure the equal enjoyment of human rights, and in particular economic, social and cultural rights, by certain minority groups in a country.

865. The Committee is concerned that the State party has not yet changed the minimum age for marriage for girls (15 years) in the Civil Code to conform with that for boys (18 years), especially in the light of the delegation's statement that this discrepancy has not had an actual impact on the marriage rate, which has demonstrated an increasing average age of marriage for both sexes.

866. The Committee is concerned about the increased job insecurity, even under positive economic conditions, due to, for example, involuntary part-time employment and the risk of losing employment altogether, which is said to have contributed to an increased rate of suicide among the population of working age.

867. The Committee is concerned that the criteria of "representativity" for participation of trade unions in certain processes such as collective bargaining may tend to exclude smaller and newer trade unions in favour of the larger and more established ones and therefore may jeopardize the right of all trade unions to function freely in accordance with article 8 (*c*), paragraph 1, of the Covenant.

868. The Committee notes with regret that the State party has not yet ratified ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy or No. 174 (1993) concerning the prevention of major industrial accidents.

869. The Committee is concerned about the problem and extent of homelessness in the State party, particularly in the urban areas. The Committee is also concerned about the inadequacy of government policy aimed at the reduction and prevention of homelessness.

E. Suggestions and recommendations

870. The Committee requests the State party to provide information in its third periodic report on: the results of the implementation of the framework law to combat social exclusion; the results of the national action plan to combat domestic violence; and the results of the campaign against alcohol and tobacco abuse.

871. The Committee strongly encourages the State party to criminalize trafficking in persons.

872. The Committee recommends that the State party provide proper training to the judiciary, prosecutors and other officials responsible for the implementation of the Covenant and its rights, to ensure that these rights are consistently enforced in courts of law.

873. The Committee recommends that the State party increase its official development assistance as a percentage of GNP to a level approaching the 0.7 per cent goal established by the United Nations.

874. The Committee suggests that the State party review its position with regard to minorities, ensuring that minority groups have the right to exist and to be protected as such in the State party. The Committee recommends that the State party withdraw its reservation with regard to article 27 of the International Covenant on Civil and Political Rights and that it ratify the Framework Convention on the Protection of National Minorities, as well as the European Charter for Regional and Minority Languages, signed by State members of the Council of Europe in 1995 and 1992, respectively.

875. The Committee also recommends that the State party increase its efforts to preserve regional and minority cultures and languages, and that it undertake measures to improve education on, and education in, these languages.

876. The Committee recommends that the legal minimum age for marriage for girls be raised to 18 years.

877. The Committee recommends that the State party undertake urgent steps to address the problem of job insecurity, as well as the serious problem of suicides related to it. The Committee requests that the State party include information in its third periodic report on the project of the Ministry of Labour and Solidarity which addresses as a matter of priority the reduction of the number of suicides among the population of working age and the provision of assistance to families of suicide victims.

878. The Committee recommends that the State party ensure that the criteria of participation and, in particular, the condition of "representativity" do not impede the right of trade unions to participate freely in processes such as collective bargaining, irrespective of their size, in accordance with article 8 (*c*), paragraph 1, of the Covenant.

879. The Committee strongly recommends that the State party ratify ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy and No. 174 (1993) concerning the prevention of major industrial accidents.

880. The Committee strongly recommends that, in addition to its present campaigns to aid the homeless, especially during the winter months, the State party devote particular attention to raising awareness about the phenomenon and that the State party continue to develop policies on how to address the problem adequately, and not only as a matter of emergency.

881. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those institutions are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 22 and 23 concerning international assistance and cooperation.

882. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

883. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2006 and to include in that report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

CROATIA

884. The Committee considered the initial report of Croatia on the implementation of the Covenant (E/1990/5/Add.46) at its 69th to 71st meetings, held on 19 and 20 November 2001, and adopted, at its 83rd and 84th meetings, held on 28 November 2001, the following concluding observations.

A. Introduction

885. The Committee welcomes the initial report of the State party, which was prepared in conformity with the Committee's guidelines.

886. The Committee notes with appreciation the high quality of the written and oral replies given by the State party, as well as the open nature of the constructive dialogue with the delegation, which included senior experts. It welcomes the willingness of the delegation to provide further information in writing in response to those questions that could not be answered during the dialogue.

B. Positive aspects

887. The Committee welcomes the succession of the State party to the six major international human rights treaties, including the Covenant, and the fundamental human rights conventions of ILO. The Committee notes with satisfaction that, in accordance with article 140 of the State party's revised Constitution (2001), international agreements to which the State is a party enjoy supremacy over domestic laws and can be directly applied in domestic courts. It welcomes the fact that the Covenant has in some instances been invoked in court proceedings. The Committee also welcomes the efforts being made to provide training to judges in the applicable international human rights standards. In addition, it welcomes the explicit enumeration of a number of economic, social and cultural rights in the revised Constitution.

888. The Committee notes with satisfaction that many of the pre-independence laws and post-independence transitional measures are being amended or superseded by new laws that better conform to international human rights principles. Laws have been enacted or amended to make a number of specific types of violence against women an offence prosecutable by the public prosecutor ex officio, and the National Policy for the Promotion of Gender Equality 2001-2005 and the proposed amendments to the laws governing elections have among their aims the promotion of political participation by women. In addition, the Committee

welcomes the recent amendment of former article 210 of Labour Act No. 758/95, by which failure by an employer to pay salaries to his or her employees within 30 days is now recognized as a valid ground for the employees to go on strike.

889. The Committee notes that the State party is benefiting from international assistance with respect to the broad questions of democratization, human rights, reconstruction and development, which affect the enjoyment of many economic, social and cultural rights. It also notes that sizeable assistance programmes are being provided by donor States and international and regional organizations. It welcomes the collaboration between the State party and the Office of the United Nations High Commissioner for Human Rights.

C. Factors and difficulties impeding the implementation of the Covenant

890. The Committee recognizes that Croatia is in a state of transition, recovering from armed conflict, which is causing complex socio-economic, political and other difficulties in the implementation of the rights provided for in the Covenant, including a breakdown of the social welfare system, acute levels of unemployment and extensive damage to the nation's physical infrastructure. One legacy of the war has been a high level of violence, both physical and verbal, in the public and private spheres. This problem of violence, including that directed against women, members of trade unions, and members of certain ethnic groups, has been exacerbated by the weak economy.

891. The Committee notes that the large numbers of internally and externally displaced persons has created additional strains on the State party's resources. The Committee also notes the high proportion of elderly persons living in, or seeking to return to, the State party, which places high demands on the output of a proportionally smaller economically active population, through the pension system, health-care system and other social welfare programmes.

D. Principal subjects of concern

892. The Committee notes with concern that measures to promote ethnic harmony appear to be inadequate and are impeded by continued application of discriminatory laws, policies and practices. It is concerned by reports that private acts of discrimination and ethnically-motivated violence are frequently not adequately addressed by the competent authorities.

893. The Committee notes with concern that many displaced ethnic Serbs continue to face legal and administrative difficulties in attempting to repossess their former homes. The Committee is also concerned that while the process of repatriation and relocation of ethnic Serbs has begun showing signs of improvement, the results and the pace of their return and the settlement of their property and tenancy claims in relation to those of other displaced Croatians reveal that ethnic Serbs continue to face excessive obstacles to their return. The Committee is deeply disturbed that these obstacles have resulted in the violation of the rights of many Serbs under articles 2 and 11 of the Covenant.

894. The Committee expresses particular concern that the granting of citizenship under the Law on Croatian Citizenship (1991) has not been governed by fair and objective non-discriminatory criteria based on pre-war residence and connections to Croatia, and as a result has heavily favoured ethnic Croats. The Committee notes with concern that the inability to prove habitual residence negatively affects the possibility of obtaining Croatian nationality for persons from certain minority groups who left during the war and wish to return to Croatia.

895. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

896. The Committee expresses concern that women are generally employed in lower-paying and lower status jobs and are poorly represented in public service and office. There continues to be no legal prohibition against sexual harassment in the workplace. Despite the welcome inclusion of offences of sexual violence in the reformed Criminal Code (1999) and the offences of marital rape and domestic violence in the new Family Law (1999), the lack of sensitization concerning such crimes among the police and the lack of effective procedures to deal with those crimes leave women with little practical protection against violence in the home.

897. The Committee is concerned that Croatia is reported to be a major transit point for human trafficking, especially of women. The Committee regrets that it has received no information on the nature, extent or causes of the phenomenon of human trafficking.

898. The Committee is alarmed at the large backlog of cases before the courts, estimated at 1 million cases in a country with a population of about 4.8 million people, which impedes access to justice. The Committee is also concerned that many court decisions that are favourable to minorities, particularly ethnic Serbs, are not implemented by the responsible enforcement agencies. The obstacles faced by many ethnic Serbs with regard to occupancy rights and the difficulty they encounter when seeking redress through the courts is illustrated, in particular, by Application No. 45943/99, *Rudan v. Croatia*, recently decided by the European Court of Human Rights. The facts of that case demonstrate the legal and administrative obstacles facing a Serb family appealing the unilateral termination of occupancy rights. Although the Court declared this case inadmissible *ratione temporis*, the Committee notes that the events detailed in that case have occurred since 1992, when the Covenant was in force in Croatia, and that the situation persists today.

899. The Committee notes with concern that the legal criteria for establishing trade unions are unduly narrow and do not conform to article 8 of the Covenant. It is also concerned that the required minimum number of employees necessary for the formation of a trade union is too restrictive.

900. The Committee notes with concern that there are no reliable data with which the State party can identify the most disadvantaged and marginalized groups.

901. The Committee is concerned about the deterioration in the general standard of living in the State party, which has ensued in part from economic instability, high levels of unemployment, non-payment of salaries of many workers, the unrecovered pension payments made by Croatians prior to independence and the destruction during the war of vital infrastructure and settlements that have not yet been reconstructed. The Committee is concerned that some reconstruction efforts appear to have been disproportionately benefiting certain ethnic groups.

902. With respect to the right to education, the Committee commends the near-achievement of universal and free compulsory primary education, in conformity with article 14 of the Covenant. However, the Committee is concerned by reports that some children from certain minority groups, in particular the Roma, and children of undocumented aliens may not be going to school. The Committee is concerned about reports that the curriculum and textbooks used in schools contain derogatory references to minority groups.

E. Suggestions and recommendations

903. The Committee urges the State party to undertake a comprehensive review of the phenomenon of all forms of discrimination within the meaning of article 2 of the Covenant and the relevant provisions of other international human rights treaties to which the State is a party, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. The Committee recommends that the necessary measures, including legislative reforms, be taken to ensure that the rights of all minority groups are enjoyed throughout the territory, without discrimination, in accordance with article 2 of the International Covenant on Economic, Social and Cultural Rights.

904. The Committee urges the State party to take effective measures to accelerate the return and reintegration into Croatian society of all Croatian refugees without discrimination, particularly of ethnic Serbs, by expediting the restitution of their housing, arranging for adequate alternative accommodation or providing them with compensation when restitution is not possible, as explained by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant).

905. The Committee urges that the State party establish objective criteria for the granting of citizenship to those wishing to obtain citizenship, in particular to those who left during the war and wish to return to Croatia, irrespective of ethnic origin, and that the Law on Croatian Citizenship be amended accordingly. It further recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

906. The Committee encourages the State party to continue its efforts to reduce unemployment and promote entrepreneurship. In so doing, the State party should ensure that all such measures, including training of prospective employees and placement of job-seekers with potential employers, are undertaken in a non-discriminatory manner.

907. The Committee strongly recommends that the State party undertake a comprehensive review of the situation of women in all aspects of life, as members of the family, in the workforce and as public servants, in order to assess those situations in which women are at a disadvantage and to develop appropriate laws and policies to address their inequality.

908. The Committee recommends that the State party take measures to make sexual harassment in the workplace a prosecutable offence.

909. The Committee recommends that all present and future policies, laws and practices be reviewed in the light of their potential effects on women and that appropriate measures be taken to ensure that women are not disadvantaged.

910. The Committee recommends that the State party include in its second periodic report detailed information on the nature, extent and causes of the human trafficking taking place in its territory.

911. In view of the very large number of persons affected in the areas of occupancy rights, acquisition of citizenship and other matters resulting from the war and the aftermath of independence, the Committee is of the opinion that the burden on the court system could be significantly reduced by adopting non-discriminatory laws and by streamlining legal and administrative procedures accordingly.

912. The Committee recommends that the State party arrange to provide extensive human rights training for members of all professions that have a direct role in the promotion and protection of human rights, including judges, lawyers, the police and the military. Instruction on the Covenant should be part of such training.

913. The Committee strongly recommends that the State party review its criteria for establishing trade unions in accordance with article 8 of the Covenant and with the appropriate ILO conventions to which it is a party.

914. The Committee urges the State party to structure its data collection efforts in the future in such a way as to be able to identify clearly the most disadvantaged and marginalized groups of society. It calls on the State party to conduct studies of all its laws, policies and practices with a view to assessing their effects on those groups, especially with regard to those areas that most directly affect their basic living conditions, such as employment, housing restitution, relocation, tenancy rights, health care, naturalization and education. All data should be disaggregated by minority groups, as well as by gender, religion, disability and any other relevant criteria that will help the State party develop targeted programmes to help those most in need.

915. The Committee recommends that the State party reinforce its efforts to address the high level of unemployment.

916. The Committee recommends as a matter of urgency that the State party continue its negotiations with the relevant authorities to ensure that Croatians who made pension contributions prior to independence are able to benefit from their pensions.

917. The Committee recommends that the State party carefully review the probable effects of its plans to privatize portions of the national health-care system on the most disadvantaged and marginalized sectors of society, including, in particular, the unemployed and underemployed, the homeless and those living in poverty.

918. The Committee urges the State party to ensure that the content of education is directed, in accordance with article 13, paragraph 1, of the Covenant, to strengthening respect for human rights and fundamental freedoms, to enabling all persons to participate effectively in a free society and to promoting understanding, tolerance and friendship.

919. The Committee recommends that immediate steps be taken to ensure that all children residing within the territory of the State party, regardless of their ethnic origin or the status of their parents, are able to go to school and are protected from discrimination.

920. The Committee urges that the educational curricula of schools at all levels be reviewed with a view to promoting human rights education, mutual understanding, tolerance and friendship, in accordance with article 13 of the Covenant. Conversely, any educational material that is discriminatory or derogatory towards others should be removed. The Committee recommends that the State party take guidance in such educational reform from its General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant) and by Committee on the Rights of the Child General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child).

921. The Committee strongly recommends that the State party establish an inclusive procedure through which the views of non-governmental organizations can be taken into account during the preparation of future reports. The next periodic report should be widely circulated among all interested sectors of civil society and their input solicited.

922. The Committee requests the State party to disseminate the present concluding observations widely, including among government agencies and the judiciary, and to inform the Committee in its second periodic report of the steps taken to implement them.

923. The Committee requests the State party to submit its second periodic report by 30 June 2006.

JAMAICA

924. The Committee considered the second periodic report of Jamaica on the implementation of the Covenant (E/1990/6/Add.28) at its 73rd meeting, held on 21 November 2001, and adopted, at its 84th and 85th meetings, held on 28 and 29 November 2001, the following concluding observations.

A. Introduction

925. The Committee welcomes the submission of the second periodic report by the State party but regrets the absence of a delegation from the State party during the Committee's consideration of the report. A constructive dialogue with the State party's delegation would have enabled the Committee to better understand the social and economic processes in the country and their impact on the realization of economic, social and cultural rights. The Committee also regrets that the State party did not submit written replies to the Committee's list of issues (E/C.12/Q/JAM/1).

B. Positive aspects

926. The Committee takes note of the efforts of the State party to create national action plans for women, and the legislative and administrative measures it has adopted to improve the status of women in Jamaica.

927. The Committee notes that the memorandum of understanding of September 2000 between the ILO and the State party has provided the financial and technical means to enable the State party to pursue vigorously programmes to combat the worst forms of child labour.

C. Factors and difficulties impeding the implementation of the Covenant

928. The consequences of the financial crisis of 1995-1996, inflation, and the increasing cost of servicing a public debt that exceeded 140 per cent of the country's GDP in March 2000 have seriously affected the capacity of the State party to implement the Covenant.

929. The Committee notes that the persistence of certain traditions and cultural attitudes in Jamaica are serious impediments to the full enjoyment by women, girls and boys of their rights under the Covenant.

930. A pervading "culture of violence" in the State party has created a climate that is not conducive to the enjoyment of economic, social and cultural rights by members of Jamaican society, particularly women and children.

D. Principal subjects of concern

931. The Committee expresses its concern that article 24, paragraph 3, of chapter III of the Constitution does not include "sex" among the legally prohibited grounds for discrimination. The Committee is also concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as article 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female children by males only under specially justified circumstances.

932. The Committee notes with concern the disproportion in the levels of unemployment of women: 33,600 women are unemployed as against 11,000 men. Furthermore, the Committee is concerned that 75 per cent of the unemployed reported that they have no recognized educational or vocational qualifications, thus diminishing their chances for employment.

933. The Committee is concerned that the social security scheme of the State party does not provide for universal coverage and that it excludes a considerable portion of the disadvantaged and marginalized groups in society, including older persons, single parents and persons with disabilities. The Committee expresses particular concern about the declining expenditure on social security and that the system does not sufficiently address the needs of a rapidly ageing population.

934. The Committee expresses its concern about the persistence of child labour, particularly in the informal sector. Furthermore, the Committee is concerned that the low minimum working age of 12 years is not adhered to in practice.

935. The Committee expresses its concern about the situation of boys in the State party, where serious problems exist such as increasing rates of school dropout, juvenile criminality and delinquency, a high suicide rate, drug addiction and unemployment among youth.

936. The Committee is deeply concerned about the lack of laws, policies or programmes to address explicitly the proliferation of sex tourism and its consequences which include the sexual exploitation and prostitution of women and children and the spread of sexually transmitted diseases. In particular, the Committee is alarmed that school dropout rates have increased as young girls are induced to leave school to enter the sex trade, sometimes even with the consent and encouragement of parents who benefit from their earnings.

937. The Committee is profoundly concerned about the violence that has apparently become widespread in the State party. It is reported that over 1,000 people have been murdered in the year 2001 alone and that "tribal" politics is such that warlords rule large sections of the capital city where they are involved in extortion, drugs and prostitution. The Committee is particularly concerned that violence - including domestic and sexual violence - is committed against women of all ages and against children. According to reports from non-governmental organizations, children are regularly flogged and even threatened with weapons and child-rearing practices include corporal punishment of children in the home and in schools. The fact that these acts are committed with impunity constitutes a serious violation by the State party of its Covenant obligations.

938. The Committee is concerned that more than one third of the population lives in poverty despite measures taken by the State party, such as the implementation of a National Poverty Eradication Programme. The Committee has received reports from Jamaican non-governmental organizations that poverty rates are highest among women, particularly women who head single-parent households. The reports also state that while the State party has undertaken significant steps to improve the housing situation, thousands of Jamaicans continue to live in deplorable conditions in wooden and tin shacks with no running water or electricity. The

Committee also expresses special concern for farmers who, allegedly owing to free trade agreements, are unable to compete with prices of cheaper imported foods on local markets, which has eroded their ability to provide for their families.

939. The Committee is alarmed that, according to information received from United Nations organizations, HIV/AIDS is currently the leading cause of death among men and women in the 15-44 age group. The Committee is particularly concerned that the overall mortality rate for persons infected with HIV/AIDS is 60 per cent, largely because they do not have access to affordable medicines, treatment and care. The Committee is also concerned that the prevalence of HIV infection among girls in their late teens is twice that of older women according to UNAIDS, which attributes this phenomenon to young women participating in the sex tourism trade.

940. The Committee is concerned about the health of adolescents in the State party, who are at high risk of many diseases, in particular those related to sexual and reproductive health. The Committee also notes with concern the rising incidence of teenage pregnancies, leading to higher mortality rates related to abortion of unwanted pregnancies and to higher dropout rates for girls who leave school to take care of their babies.

941. The Committee is also concerned that clandestine abortion is the cause of a large number of deaths due to infections and complications from procedures performed under unsanitary conditions by untrained personnel and that it is one of the leading factors in the high maternal mortality rate in the State party.

942. The Committee expresses particular concern about the inadequate level of State expenditure on education, accompanied by a decline in the quality of education. It is reported that recent statistics from the State party show that 40 per cent of children who complete primary education can neither read nor write.

E. Suggestions and recommendations

943. The Committee recommends that the State party take steps to amend article 24, paragraph 3, of chapter III of the Constitution to include constitutional prohibition of discrimination on the grounds of sex. The Committee further recommends that the State party consider amending the Acts mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

944. The Committee urges the State party to implement without further delay the National Policy Statement on Women of 1987, which was accepted by Cabinet with a view to providing the means to mainstream gender into all government ministries and their policies. The Committee requests the State party to include information in its third periodic report on progress made under this policy statement.

945. The Committee recommends that the State party provide proper vocational training and education for men and women in order to enhance their employment opportunities, and formulate work creation strategies and policies aimed specifically at women in the labour force.

946. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2, paragraph 1, of the Covenant.

947. The Committee recommends that the State party continue as a matter of priority the implementation of its September 2000 memorandum of understanding with ILO, and requests that the State party in its third periodic report provide detailed information on the measures taken and the progress achieved in this regard. The Committee particularly urges the State party to review the minimum working age, with a view to increasing it, and to endeavour to enforce the minimum age more rigorously. The Committee also urges the State party to ratify ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

948. The Committee requests the State party in its third periodic report to provide detailed information, including comparable statistics over time, on the situation of boys and the measures it has undertaken to address the problems enumerated above (para. 935).

949. The Committee recommends that the State party undertake urgently legislative and administrative measures to prohibit and penalize sex tourism and the exploitation of women and children in this regard.

950. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that in undertaking measures to combat violence, respect for human dignity and protection of human rights must be ensured at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children.

951. The Committee requests the State party to provide in its third periodic report detailed information, including comparative statistical data over time disaggregated on the basis of sex, age and urban/rural areas, on the extent of poverty in the country. The Committee also requests information on the measures taken to address the problem of poverty with regard to different groups in society, especially the more disadvantaged and marginalized groups, as well as information on the results of such measures. The Committee refers the State party to the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

952. The Committee strongly requests the State party to provide information in its third periodic report on the situation of HIV/AIDS in Jamaica, the legislative and administrative measures taken by the State party to address the multiple dimensions of the epidemic - prevention programmes, access to medicines, treatment and care, as well as measures to protect the population from the disease - and on the results of such measures.

953. The Committee urges the State party to ensure the provision of education on sexual and reproductive health, and to facilitate access to contraceptives by adolescents where appropriate. The Committee recommends the establishment of benchmarks in this respect, on the basis of comparative data to be discussed in the next periodic report, and refers the State party to paragraphs 57 and 58 of its General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

954. The Committee requests the State party in its next periodic report to provide detailed information based on comparative data about the problem of abortion in Jamaica and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

955. The Committee urges the State party to take immediate steps to address the declining quality of education, including by seeking assistance from UNESCO in this regard. The Committee refers the State party to its General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

956. The Committee requests the State party to disseminate these concluding observations widely among all levels of society, including among government agencies and the judiciary.

957. The Committee requests the State party to submit its third periodic report by 30 June 2003, and to include in this report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations. The State party is particularly requested to take into consideration during the preparation of its third periodic report the list of issues of the Committee, which was sent to the State party in May 2001 (E/C.12/Q/JAM/1).

CHAPTER V

Day of general discussion

INTERNATIONAL CONSULTATION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN DEVELOPMENT ACTIVITIES OF INTERNATIONAL INSTITUTIONS ORGANIZED IN COOPERATION WITH THE HIGH COUNCIL FOR INTERNATIONAL COOPERATION (FRANCE)

A. Introduction

958. At its twenty-fifth session, on 7 May 2001, the Committee held an international consultation, organized in cooperation with the *Haut conseil de la coopération internationale* (High Council for International Cooperation, or HCCI), on economic, social and cultural rights in relation to the development activities of international institutions. The Committee decided to have this international consultation, in the light of its efforts to engage United Nations specialized agencies, programmes and funds, and other international and regional organizations, in a dialogue and relationship of cooperation.

959. Speakers and panel discussants at the international consultation were the following: Mr. Jean-Louis Bianco and Ms. Catherine Lalumière (HCCI), Mr. François Gianviti (IMF), Mr. Hoe Lim (WTO), Mr. Omar Noman and Mr. Simon Munzu (UNDP), Mr. Bertrand Ramcharan (Office of the High Commissioner for Human Rights), Mr. Rubens Ricupero (UNCTAD), Mr. Alfredo Sfeir-Younis (World Bank), Mr. Juan Somavía and Mr. Lee Swepston (ILO), Mr. Jean-Claude Faure (Development Assistance Committee, OECD), Mr. Carlo Trojan (European Commission, European Union), Ms. Patricia Feeney (Oxfam GB), and Mr. Nyameko Barney Pityana (South African Human Rights Commission). Mr. Paul Hunt, Rapporteur of the Committee, and Mr. Philippe Texier made interventions as members of the Committee. Mr. Gustave Massiah (HCCI) and Mr. Kenneth Osborne Rattray were responsible for the synthesis of the day.

960. The following documents were submitted to the Committee for the purpose of the international consultation:

(*a*) Background paper submitted by Mr. Fantu Cheru (American University, Washington, D.C.): "Gender equality and globalization: understanding complex dimensions of opportunity and challenge" (E/C.12/2001/4);

(*b*) Background paper submitted by Ms. Isabelle Daugareilh (Centre national de la recherche scientifique, Bordeaux, France) and Ms. Alice Sindzingre (Centre national de la recherche scientifique, Paris): "Strategies for development and revival of economic and social rights" (E/C.12/2001/5);

(*c*) Background paper submitted by Mr. Hamish Jenkins (Non-Governmental Liaison Service): "Global economic governance and national policy autonomy in the pursuit of economic, social and cultural rights" (E/C.12/2001/6);

(*d*) Background paper submitted by Mr. Nuri Albala (International Association of Democratic Lawyers, founding member of the Observatoire de la mondialisation, Paris): "The citizen and the State: the duty to ensure the primacy of human rights in any international negotiation" (E/C.12/2001/7);

(*e*) Background paper submitted by Mr. Alfredo Sfeir-Younis (Special Representative of the World Bank to the United Nations and WTO, Geneva): "Economic, social and cultural rights in development activities: Human rights economics in international relations" (E/C.12/2001/8);

(*f*) Background paper submitted by Mr. Michel Dispersyn (Free University of Brussels, Universities of Bordeaux and Nantes): "The social dimension of the European Union's Generalized System of Preferences (GSP)" (E/C.12/2001/9);

(*g*) Working paper submitted by Mr. Fantu Cheru (American University, Washington, D.C.): "The African renaissance and the challenge of globalization";

(*h*) Working paper submitted by Mr. Hoe Lim (External Relations Officer, External Relations Division, WTO, Geneva): "Trade and human rights: What's at issue?";

(*i*) Working paper submitted by Mr. Dinesh Mohan (Transportation Research and Injury Prevention Programme, Indian Institute of Technology, New Delhi, India): "Safety as a human right";

(*j*) Working paper submitted by Mr. Ernst-Ulrich Petersmann (Professor of International and European Law, University of Geneva and the Graduate Institute for International Studies, Geneva): "Time for a United Nations action program for integrating human rights into the law of worldwide organizations: Lessons from European integration law for global integration law";

(*k*) Working paper submitted by Mr. François Gianviti (General Counsel, IMF): "Economic, social and cultural human rights and the International Monetary Fund".

B. Opening remarks

961. After the Chairperson of the Committee, Ms. Bonoan-Dandan, opened the meeting, the Deputy High Commissioner for Human Rights, Mr. Ramcharan, introduced the international consultation by referring to the twenty-fifth anniversary of the entry into force of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Mr. Ramcharan pointed out the historic role of specialized agencies in shaping the International Covenant on Economic, Social and Cultural Rights, and their crucial present-day role in helping to implement the Covenant and the rights contained therein. Mr. Ramcharan called for partnerships between the Committee and the relevant international organizations. He made the following propositions on the role of economic, social and cultural rights in the activities of agencies:

(*a*) The objectives of the Covenant must become the goals of development activities and economic, social and cultural rights must have a prominent role, as they constitute the basis of a rights-based approach to development;

(*b*) There should be more focus on developing national implementation arrangements for economic, social and cultural rights;

(*c*) The Common Country Assessment/United Nations Development Assistance Framework process should take into consideration the national implementation of economic, social and cultural rights, and in particular there should be an assessment about the extent a particular State has actually embraced a rights-based approach;

(*d*) More attention should be paid to gross and systematic patterns of violations of economic, social and cultural rights, which have hitherto not been sufficiently addressed;

(*e*) There should be more resort to judicial arbitration of economic, social and cultural rights;

(*f*) The principle of equality and non-discrimination must be one of the foundations of all activities concerning economic, social and cultural rights.

962. Mr. Somavía (Director-General, ILO), after thanking the Committee and HCCI for organizing such an important event, emphasized that the ILO's relationship with the International Covenant on Economic, Social and Cultural Rights and the Committee has always been one of symbiosis, based on the same values and beliefs. In the world of today, the international community must confront three challenges. The first challenge for the international system as a whole is unregulated globalization, which is governed only by economic rules. The second challenge is its seemingly schizophrenic nature, as a result of countries doing contradictory things, e.g. conflicts between policies in the fields of international economics and trade on the one hand, and economic, social and cultural rights on the other. The third challenge is to develop the capacity of the multilateral system as a whole to connect with people, and to become aware of the different perspectives on reality. According to Mr. Somavía, the United Nations system of human rights protection and promotion will always be fragile if there are no standards. This has been clear for ILO from its inception in 1919. He mentioned the efforts of ILO to advance the concept of "decent work", reflected in, inter alia, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up - adopted in 1998 by the International Labour Conference - and the ILO programme on decent work.

963. Mr. Ricupero (Secretary-General, UNCTAD) recognized the increasing centrality of economic, social and cultural rights in the international forums, and in particular in the Commission on Human Rights, and commended the Office of the United Nations High Commissioner for Human Rights for contributing to the advancement of these rights. The results may not yet be so tangible, but there is no doubt that human rights are an essential part of the international network, in which everything relates to each other. He acknowledged the need to find practical ways of reconciling points of conflict, with regard to which he made the following comments. First, with regard to the question of the extent to which international organizations are bound by international human rights instruments, Mr. Ricupero expressed his

view that these organizations are not abstract entities, but are formed by States, which are often the same States parties to the human rights instruments. These organizations should therefore aim to have more coherence in their activities. Secondly, on the statement that globalization is affecting economic, social and cultural rights, it must be borne in mind that the phenomenon of globalization is a continuation of trends in the past, and therefore not entirely new, notwithstanding the exacerbation of particular existing problems - such as poverty and inequality - and the creation of new problems. It is therefore appropriate to keep a balance in the discourse in order to be effective. Thirdly and lastly, he pointed to the mobilization of civil society, which has contributed to advancing human rights issues and linking them to other international issues, such as transnational corporations, international trade, finance and investment. Mr. Ricupero referred to the Millennium Declaration, adopted by the General Assembly on 8 September 2000, and supported by almost all States, as a clear mandate to mobilize civil society, with its concrete goals, such as halving poverty, doubling the number of children in primary schools, and reducing child mortality by two thirds by 2015. Finally, he brought to the attention of the meeting the Third United Nations Conference on the Least Developed Countries, in Brussels from 14 to 20 May, 2001.

964. On behalf of HCCI, Mr. Bianco (President, HCCI) expressed the view that the world needed new rules for globalization, especially to protect the most vulnerable groups of society. He also mentioned the important role of civil society in keeping human rights on the international agenda. Mr. Bianco also referred to the relevance of including the business community in the intergovernmental dialogue. Mr. Bianco said that, in France, HCCI was representative of civil society as a whole and had entered into a frank and productive dialogue with the Government on their respective roles and common goals. With the positive development of organizations similar to HCCI springing up in other European countries, he suggested that a "global compact of international organizations" could be created, along the lines of the United Nations Secretary-General's Global Compact for business, and that these organizations should place human rights at the heart of their activities. The international organizations needed to explore new avenues and to share their experiences and analyses to ensure that they acted consistently. The only way to restore the public's confidence in the legitimate forms of global governance aimed at putting people first was through discussion and a reaffirmation of the basic values they shared, Mr. Bianco concluded.

965. Referring to earlier calls for partnership and an integrated approach, Mr. Sadi emphasized that it was crucial that the international organizations take into account the Covenant and its provisions in their work, in order to be able to assist States in implementing human rights, and in particular economic, social and cultural rights at the national level. States could not comply with international human rights obligations at the national level without the cooperation and assistance of those international organizations with whom they are working.

966. Mr. Somavia (Director-General, ILO) responded that there were limitations to inter-agency cooperation. Ultimately, the Governments - and especially the donor countries - are the actors to take the initiative and to take political responsibility. Problems continue to persist due to a lack of political will. Granted, there is a need for an integrated approach at the international level, but members of civil society will have to continue their work to effect change at the national level.

967. Mr. Ricupero (Secretary-General, UNCTAD) commented that the problem was not the absence of principles, but the practical application of these principles to concrete situations. With respect to trade and WTO, he pointed out that there would often be a trade-off between efficiency gains and justice, and that it would be difficult to make justice or human rights prevail, as long as consensus prevailed as a decisive criterion for decision-making within WTO. As for debt relief, despite the over-optimistic prognoses, UNCTAD has been convinced for many years that even with the Heavily Indebted Poor Countries Initiative, these indebted countries would not be able to sustain their debt servicing. Mr. Ricupero quoted the World Bank as having said that it would require the entire Bank capital to eradicate the total debt of 60 developing countries. According to Mr. Ricupero, the bottom line was that political will was needed and that this would require the mobilization of civil society.

C. Panel discussion on "International institutions and the International Covenant on Economic, Social and Cultural Rights"

968. In his introductory statement, Mr. Hunt, the Rapporteur of the Committee, made reference to Commission on Human Rights resolution 2001/30 of 20 April 2001 entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration on Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights". From this resolution, Mr. Hunt highlighted three issues relevant to this international consultation. First, the resolution called upon States parties to the Covenant to "ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes". Secondly, it encouraged the Committee to enhance "its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant". Thirdly, it encouraged "all United Nations specialized agencies and programmes [...] and other United Nations bodies [...] whose activities bear upon economic, social and cultural rights to enhance their cooperation and increase coordination with [the Committee] in a manner that respects their distinctive mandates and promotes their policies, programmes and projects".

969. Mr. Hunt continued by stating the willingness of the Committee to develop closer links with the World Bank and IMF, and that some correspondence has taken place between the Chairperson of the Committee and the President of the World Bank and the Managing Director of IMF concerning human rights and the evolution of the Heavily Indebted Poor Countries Initiative, and in particular the Poverty Reduction Strategy Papers. He also referred to the adoption by the Committee on 4 May 2001 of the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights (see annex VII below), which was designed to demonstrate in abstract terms the "value-added" of human rights to the poverty discourse, to form a basis for the further development of operational anti-poverty strategies, and to establish explicitly that international human rights provide a framework of legal norms or rules voluntarily entered into by States parties. These norms entailed legal obligations that demanded the accountability of all duty-holders, otherwise they could be regarded as "mere window-dressing".

970. Mr. Hunt made three proposals for further action. First, the Office of the United Nations High Commissioner for Human Rights, in conjunction with the Committee, should organize a small workshop to identify in practical terms how human rights, and in particular economic,

social and cultural rights, could be integrated into Poverty Reduction Strategy Papers. His second proposal was that the Office of the High Commissioner and the Committee should encourage heavily indebted poor countries to seek technical advice and assistance regarding the integration of human rights into their Poverty Reduction Strategy Papers, which are "country-owned" documents. The third proposal was that the Committee should continue the dialogue established with the World Bank and IMF by following up on the letters from the President of the World Bank and from the Director-General of IMF, and that the Office of the High Commissioner, in conjunction with the Committee, should be prepared to visit these institutions to further discuss the integration of human rights into Poverty Reduction Strategy Papers. Mr. Hunt stressed the Committee's view that "anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based on international human rights" (see Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, para. 13). In closing, Mr. Hunt made reference to the ongoing cooperation between the Committee and UNESCO, which particularly focused on the relationship between the implementation of the Dakar Framework for Action, adopted at the World Education Forum in April 2000, and the realization of articles 13 and 14 of the Covenant.

971. In presenting his paper on the meeting point of economic, social and cultural rights and development strategies (para. 960 (*e*) above) for the purpose of the first panel discussion, Mr. Sfeir-Younis (World Bank) brought forward the question whether law and jurisprudence should be the only or principal "entrance point" to the debate, given that, at its own level, the World Bank had assumed that economic, social and cultural dimensions were important in many ways. Furthermore, he stated that experience in development planning processes and implementation often showed that the debate on human rights remained very separate from that of the economic development aspects of the same processes, and that it was necessary to have a full understanding of the implications of any economic policy or programme for the assignment of rights. Mr. Sfeir-Younis also said that the Committee often advocated that human rights values must have precedence over economic values and decision-making rules. However, the major question posed by that assertion was one of relativity, particularly when functioning in a world of "trade-offs", a world where resources are limited and the efficiency in the allocation of these resources does matter. Notwithstanding that the traditional sectoral approach to development strategies is neither the best nor the most comprehensive way to address economic, social and cultural rights, Mr. Sfeir-Younis argued that in practice this approach has led to advances in such sectors as education, health, food and housing.

972. As to the first important question of whether development strategies mainstream economic, social and cultural rights, Mr. Sfeir-Younis stated that many plans did include an overall strategy to implement all human rights, even where that was not explicitly stated. As to whether it would be possible to mainstream human rights into development, he said that it was, but that many of the political, social, institutional and human conditions required for such mainstreaming had not yet been met.

973. The answer to the second question of whether globalization tends to violate or foreclose options to the attainment of economic, social and cultural rights, depended on the standpoint adopted, according to Mr. Sfeir-Younis. Before a consensus could be reached, it was essential to recognize the major advances that had been achieved as a result of the globalization process, for example in the field of new technologies such as informatics and transport. Several conditions -

such as the creation of a new global social contract - would have to be met before social globalization could be attained, which was one of the major constraints both developed and developing countries faced in the fulfilment of human rights at all levels.

974. As far as the question of whether poverty strategies support the attainment of economic, social and cultural rights, Mr. Sfeir-Younis was more optimistic. Most development strategies and institutions are currently focusing on the complex and multidimensional process of poverty eradication, and the Committee should also focus more on the link between rights and poverty strategies. He indicated that the views of the World Bank on poverty have changed, and for the better. However, if a consensus on attacking poverty were reached, there would be a need for a common communication strategy among international organizations to inform the public at large that a poverty eradication strategy was essential to the implementation of all human rights and that absolute poverty was probably one of the main underlying causes of human rights violations.

975. The final question of whether there was a need to move towards new development strategies, in the light of the indivisibility and hierarchy of human rights, was answered in the affirmative by Mr. Sfeir-Younis, pointing to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights as an important contribution towards defining possible characteristics, focusing on people, social conditions, immediate action and solidarity with the poor, the voiceless and the powerless. However, societies seemed unable to maintain the holistic nature of human rights values in the implementation process of development. He deemed it important to identify the point of breakdown, as having new development strategies without resolving the causes of this breakdown would simply result in more documentation and declarations of intent rather than in respect for human rights.

976. Mr. Faure (Development Assistance Committee, OECD) observed that just as democracy and development were said to be mutually dependent, the same could apply to human rights and development strategies. Integration of human rights was becoming a condition for the very success of development and poverty reduction strategies. Strategies depended on the ability not only of the State, but also of citizens and economic actors to take free and independent decisions in a secure legal and judicial environment. The much-vaunted partnership between North and South must become more equal, assisted by development cooperation policies. Industrialized countries and international organizations could, through their development policies, encourage the implementation of human rights, without which there could be no poverty reduction. That process was, however, in the early stages and the challenges were real. It would assume a change of behaviour and attitude on the part of bilateral and multilateral donors to a new approach based on acceptance of their responsibility.

977. Similarly, the approach should be coherent and consistent, not only in Washington or Geneva, but also in the strategy implementation on the ground. At this point, Mr. Faure doubted whether conditions for ensuring consistency yet existed, given that some multilateral agencies and bilateral donors were not yet sufficiently involved in the local process of strategy formulation and implementation. Development policy through strategy support meant setting objectives towards which donors and recipient could progress together, which implied not so much a priori conditionality, as joint action and joint progress. Finally, an approach based on

operationalizing human rights, though undoubtedly desirable, would not lead far if limited to multilateral organizations and bilateral donors. The private sector, which would finance most of the development, and civil society, should also be associated with the process. Further meetings should therefore include representatives of both.

978. Mr. Noman (UNDP) focused on issues in the specific context of his own country, Pakistan. After 50 years of independence and US$ 50 billion of aid, the country had a 40 per cent literacy rate and had undergone rapid deterioration during the 1990s. While the responsibility lay clearly with the Government, the past record of international institutions in Pakistan had been fairly appalling. There had been a rapid increase in poverty between 1989 and 1999; development expenditure, which in 1992 had been higher than defence spending, had declined and was now considerably lower; debt servicing obligations had risen rapidly; and spending on education and health had declined from an already low level to the current 2.7 per cent of GNP. In that context, what did economic, social and cultural rights mean?

979. The more expensive the rights in terms of a country's resources, the more difficult it was to meet the obligation, Mr. Noman said. Once the national process of priority setting and sequencing of rights had been established, a degree of budgetary accountability was necessary. The implementation of a rights-based approach was also relevant to horizontal inequality in the areas of gender, ethnicity and race. It was important not to regard the rights-based approach as inefficient. For example, the privatization of State-owned enterprises should not be assumed to be in contravention of the right to employment, as those enterprises might be a major drain on public resources, leading to high inflation. It was the Government's obligation to ensure that distortions, which led to growth without employment, were removed.

980. Mr. Swepston (ILO) said that ILO warmly supported rights-based development initiatives by international organizations. ILO standards were closely integrated into the Covenant. ILO had been in discussion with the international financial institutions on how to better align their programmes. Human rights were a system-wide concern based not just on one individual instrument but on the complex of instruments that made up the collective consciousness and conscience of the system.

981. There was no contradiction between a common commitment to a core set of values and country-owned development strategies. Focusing assistance on the values and rights, which had found common expression in such instruments as the Covenant and ILO standards, did not amount to conditionality; international human rights instruments had been adopted as a development priority by the developing countries themselves through ratification. Mr. Swepston agreed with the representative of the Development Assistance Committee of OECD on the need to go beyond the international institutions. The ILO was in the process of setting up a project with the Asian Development Bank to explore the implications of the integration into their work of three basic human rights issues: child labour, gender, and occupational safety and health. Mr. Swepston agreed on the need to extend the debate well beyond the institutions represented at the international consultation, which had a diminishing share in development assistance.

982. Ms. Feeney (Oxfam GB) said that since the 1993 World Conference on Human Rights in Vienna, she derived some satisfaction from the seriousness with which all rights were being treated by civil society, Governments and even institutions such as the World Bank and the IMF.

However, there was still a long way to go. Ms. Feeney was heartened to hear the World Bank representative, Mr. Sfeir-Younis, recognize the World Bank's obligation to respect economic, social and cultural rights in its programmes and policies. Whether it was doing so successfully was a moot point. According to Ms. Feeney, there was a simple yardstick by which the international community should judge all types of international development assistance, namely whether it contributed to the effective realization of the rights recognized by the Covenant. Too often, that had not been the case. The most flagrant illustration, echoed in the statements by the Secretary-General of UNCTAD and others, had been the failure of industrialized countries to achieve more equitable forms of globalization.

983. In the early 1990s, the received wisdom promulgated by the World Bank and IMF had been that globalization and the liberalization of trade and finance would spur growth in the poorest countries, diminishing income disparities within the global economy in the process. However, the widening gap between the developed and the developing countries and the increasing number of least developed countries were a clear indication of the inadequacies of the system over the previous 20 years. The failure of international cooperation was particularly apparent in the field of trade. In many countries, the benefits of trade liberalization and privatization had been grossly overstated by the international community. For example, many least developed countries had introduced trade liberalization programmes, often under the auspices of the World Bank and IMF, but those programmes, unlike those in the framework of WTO, had not been reciprocated, locking those countries in an unequal bargain. In the case of privatization of State-owned assets, there had often been a lack of concern about inequality, a lack of transparency, and neglect of the social impacts on the retrenched workforce.

984. While there were some moves to make the development and planning process more transparent - particularly the Common Country Assessment/United Nations Development Assistance Framework process, the Comprehensive Development Framework of the World Bank and the new Poverty Reduction Strategy Papers - some concerns remained. With regard to the Poverty Reduction Strategy Papers, the initial conclusions were not promising and many civil society organizations were dissatisfied with the extent of public involvement. Similarly, there was concern that the policy content did not constitute a significant change from past adjustment programmes, with too much focus on economic growth and a reduced role for the State, and without the all-important impact assessment. Ms. Feeney concluded by citing some important changes, such as civil society becoming more organized and sophisticated, and by emphasizing the possible pay-off for the promotion and protection of human rights if and when the United Nations system would work together.

985. Mr. Allmand (Rights and Democracy) said that a basis of the obligation of international institutions to take into account human rights could be found in numerous documents of the United Nations, such as the Charter of the United Nations, human rights instruments, outcome documents of conferences, and declarations. There are sufficient legal arguments to support the primacy of human rights. What is required at present is the political recognition of and support for human rights. It may be worthwhile to seek a formal interpretation of the aforementioned instruments and documents by a domestic or even an international court of law, such as the International Court of Justice.

986. Mr. Windführ (FIAN - Foodfirst Information and Action Network) stated that there was a need for clarity on how intergovernmental organizations could assist Governments, particularly on ensuring that these intergovernmental organizations act in conformity with States' human rights obligations. There are two aspects to the role of intergovernmental organizations. On the one hand, they should provide active assistance in cash or kind On the other hand, these organizations have to ensure that their policies do not obstruct States in their efforts to implement human rights - such as the right to food or other economic, social and cultural rights - nor contribute to the violations of these rights.

D. Panel discussion on "Possible advances in economic, social and cultural rights"

987. In his presentation, Mr. Texier underlined the importance attached to human rights in relation to activities in the field of international cooperation, development and international finance by referring to Commission on Human Rights resolution 2001/27 of 20 April 2001 on the effects of structural adjustment programmes and foreign debt on the full enjoyment of human rights, which stated that the exercise of fundamental rights by citizens of debtor countries could not be made subordinate to the implementation of debt-servicing policies. Mr. Texier also expressed support for the proposals made earlier by Mr. Hunt concerning the relationship between the international financial institutions and the Committee, and on integrating human rights in poverty reduction strategies.

988. Mr. Gianviti (IMF) pointed out that at the time of the drafting of the Covenant, by contrast to other specialized agencies whose mandates explicitly or implicitly included the promotion of human rights, IMF took the position that the questions raised in the elaboration of the Covenant were outside its own mandate, for a variety of reasons. First, IMF and the World Bank saw themselves as international organizations separate from their members, governed by their respective charters and aimed at achieving a set of limited objectives. Furthermore, IMF and the World Bank saw themselves as purely technical and financial organizations, which were to provide economic assistance, not to dictate political changes. In addition, decision-making power in IMF and the World Bank, unlike the United Nations, was vested in organs whose decisions were taken by weighted voting, rather than on a one-country, one-vote basis. Mr. Gianviti also stressed the fact that IMF was not a project lender, nor was it involved in sectoral activities, such as health or education, as it was a monetary agency, and not a development agency.

989. Since the 1950s, the purposes of IMF had not changed, but its practice and its mandate under the Articles of Agreement had evolved to meet the changing needs of its members. IMF still provided only balance of payments support, although the concept of balance of payments was now more flexible than in the past. Also, IMF now exercised surveillance over certain policies of its members, and the special needs of developing countries, particularly the poorest of them, had received recognition. Therefore, it could be said that the cumulative effect of changes in its practice and in its Articles of Agreement had introduced new elements of a relationship between IMF and the Covenant. The questions that arose were whether IMF is legally bound to give effect to the provisions of the Covenant in its decisions; and whether, and to what extent, IMF's own Articles of Agreement allowed or required IMF to achieve objectives that were similar to those of the Covenant.

990. According to Mr. Gianviti, there were objections to recognizing the applicability of the Covenant to IMF. First, IMF was not a party to the Covenant. Secondly, the Covenant only addressed States and not agencies. Thirdly, article 24 of the Covenant stipulated that it was not to impair the Charter of the United Nations or the constitutions of other agencies. Mr. Gianviti proceeded to explore various possibilities for finding a legal basis for the Covenant's binding force on IMF. As to the relationship of IMF with the United Nations as the legal basis for the applicability of the Covenant to IMF, he stated that IMF was not a United Nations agency, but an intergovernmental agency which was brought into relationship with the United Nations, in accordance with Article 57 of the Charter, by the 1947 Agreement between the United Nations and the International Monetary Fund in which the United Nations recognized that "by reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Fund is, and is required to function as, an independent organization". Therefore, there was no obligation on the part of IMF to give effect to United Nations resolutions or international agreements, such as the Covenant. With regard to general principles of international law, obligations *erga omnes* and *jus cogens*, Mr. Gianviti contended that the Covenant and its provisions constituted none of these categories of international law, particularly in the light of the aforementioned article 24 of the Covenant. His conclusion was, therefore, that the Covenant is not binding upon IMF, nor does it have direct effect.

991. In conclusion, Mr. Gianviti said that the fact that the Covenant does not apply to IMF does not mean that IMF does not contribute to the objectives of the Covenant. IMF's contribution to economic and social human rights is essential but indirect, as it contributes to providing the economic conditions that are a precondition for the achievement of the rights set out in the Covenant. IMF is not free to disregard its own legal structure for the sake of pursuing goals that are not within its own mandated purposes, and if the members of IMF believe that it should adopt a more direct approach to the integration of human rights considerations in its decisions, they may propose an amendment to IMF's Articles of Agreement. According to the working paper submitted by Mr. Gianviti, IMF already contributes significantly to the achievement of the objectives of the Covenant, while discharging all of its responsibilities towards all of its members.

992. Mr. Trojan (European Commission, European Union) stressed the need for coherence and consistency of policies, both at the national and international levels, which would require international cooperation and coordination, as well as an increased dialogue with members of civil society and non-governmental organizations specializing in development. There was no doubt about the existing links between trade, development and human rights, be they civil, cultural, economic, political or social. Understanding the global responsibility for the enjoyment of human rights and in particular the right to development, the European Union - the model for the most developed regional integration in the world - has been applying the concept of "controlled liberalization", which required political leadership, common objectives, coherent policies, a strong sense of solidarity and a solid system of governance.

993. Mr. Trojan pointed out that the discussion on the negative impacts of globalization, as well as on the imbalances and potential conflicts with human rights, was centred on WTO, and WTO had been the subject of conflicting pressure from all parts of civil society. For some, WTO should be more actively involved in issues of norms concerning labour, the environment

and health, and should even impose sanctions in this regard. On the other hand, others were of the opinion that the interference of WTO in national legislation represented all that was negative in the world. However, neither position was correct, according to Mr. Trojan. Controlling globalization was a much more complex challenge requiring more than a simple action on the part of WTO, which had had success in generating growth and employment.

994. Mr. Trojan said that despite its reputation of being an efficient organization dominated by rich countries, WTO was less powerful and less efficient than some other United Nations organizations, particularly the Bretton Woods institutions, as WTO was a "member-driven" organization and its efficiency depended largely upon the Dispute Settlement Understanding (annex 2 to the Marrakesh Agreement establishing the World Trade Organization) to enforce WTO rules. The case law of the WTO Appellate Body did not demonstrate that trade law was given primacy over imperatives of health and environment. So, although WTO could do more to contribute to the full realization of human rights, and particularly the right to development, it could not eradicate poverty or create conditions for sustainable development on its own, nor was WTO the appropriate organization to deal with larger questions of governance.

995. Mr. Trojan concluded by saying that in the context of the European Union, a mechanism to provide leadership, coherence and arbitration, could be found in the Council of the European Union. In this light, the idea of a summit on globalization, as had been suggested by Mr. Sutherland, former Director-General of WTO, and others, could prove to be interesting. In the meantime, it would be necessary for international organizations and Governments to engage in concerted action, as the realization of the right to development required a more structured effort at the global level.

996. Mr. Munzu (UNDP) stressed that economic, social and cultural rights were at the heart of UNDP's mandate and of its endeavours in favour of sustainable human development throughout the world. The concept of sustainable human development places people at the centre and regards them as both the principal actors and beneficiaries of development in any given society. It seeks to expand choices for men, women and children, today and in future generations, and to protect the natural environment and ecosystems on which all life depends. The interconnection between sustainable human development and human rights was forcefully articulated in the UNDP *Human Development Report, 2000*, which stated that "human rights and human development share a common vision and a common purpose - to secure, for every human being, freedom, well-being and dignity". UNDP country offices contributed, through their sustainable human development projects, to the reduction of poverty, providing or facilitating access to food, education, health care, housing, employment, social services, social security, favourable conditions at the work place and participation in cultural life. However, until 1998, when UNDP adopted its policy of integrating human rights explicitly with sustainable human development, UNDP country offices were promoting human rights without knowing it.

997. Admittedly, there were challenges, constraints and limitations, Mr. Munzu said. Situated within the overall commitment of the United Nations as a whole to treat human rights as a "cross-cutting issue" to be mainstreamed into the work of all agencies, the corporate will of UNDP to integrate human rights, including economic, social and cultural rights, with sustainable

development, was clearly manifest. While there could be no doubt about UNDP's political commitment, or its conceptual and policy framework for integrating human rights with sustainable human development, the challenge for both UNDP headquarters and the organization's field offices remained how to achieve the practical implementation of the rights-based approach to development programming. One of the primary challenges was the need to build human rights expertise within the organization, through knowledge-sharing and training, and through the development of analytical tools required for applying a rights-based approach. In this regard, Mr. Munzu referred to the recently completed *Training Manual on Human Rights and Sustainable Human Development* and *Human Rights Resource Manual*.

998. A further constraint was the specificity of United Nations agency mandates. In the view of Mr. Munzu, while UNDP was firmly committed to full cooperation with other agencies in the field of human rights, notably with the Office of the United Nations High Commissioner for Human Rights, it could not take on the roles and functions inherent to specific mandates of its sister agencies, as opposed to supporting them in the performance of those roles and functions. Mr. Munzu also mentioned inadequate funding as a major limitation on the practical implementation of UNDP's human rights policy, creating for the organization a corresponding obligation to forge strategic relationships and to step-up its resource mobilization activities. Mr. Munzu further pointed to advances in economic, social and cultural rights being inherent in the execution of UNDP's specific mandate, having traditionally been at the heart of the organization's corporate mission, programmes and projects. UNDP had opted for a policy of integrating human rights in its sustainable human development programming and programme delivery, and this had created a major challenge for the organization, namely that of practically implementing the rights-based approach to development. Commendable progress had been made in the face of formidable constraints and limitations. Nevertheless, a great deal remained to be done, Mr. Munzu concluded.

999. Ms. Lalumière (HCCI) emphasized the importance of improving coordination between all relevant actors, not only agencies and Governments, but also the business sector, non-governmental organizations and members of civil society. There was a need for all these actors, including the political entities and the international financial institutions, to internalize human rights and to adapt to the changing needs of the world. Furthermore, without watering down the significance of all human rights, there was a need to prioritize among the long list of rights. Also a balance should be found between economic policies and human rights.

1000. Ms. Lalumière pointed out that the struggle for economic, social and cultural rights has not been concluded, and with regard to the draft optional protocol to the Covenant, she said that it should be considered in conjunction with the issue of prioritizing and the other issues brought up during the consultation.

1001. Mr. Lim (WTO) referred to the fact that there was little incongruence between the overarching objectives of WTO and those of the Covenant, but there was still much thinking to be done on how to integrate economic, social and cultural rights into international economic law. WTO was not a development organization, although its activities had development dimensions, as WTO provided for a regulatory framework for international trade, for negotiating multilateral trade agreements, as well as a forum for negotiating market access and for settling trade disputes.

1002. The task faced by WTO at present was how to conceptualize human rights in the existing WTO framework, Mr. Lim stated. For example, he raised the issue of bargaining on market access: What did economic and social rights mean in this regard? This could mean that there should be more equitable and better market access for disadvantaged countries. Furthermore, he referred to the argument in the human rights literature that economic values had to be balanced with other, non-economic values in the drafting of WTO rules. However, Mr. Lim argued that this was already being done by WTO, as concepts like non-discrimination were already discussed in the context of WTO. Mr. Lim asked whether these terms would need to be defined better. He emphasized the need to find a common language, as the human rights community and the international trade community could be using the same words, but not with the same meaning.

1003. Mr. Lim was of the opinion that it was the Governments and not WTO that needed to be convinced of the value-added of having a rights-based approach in trade negotiations. He also doubted whether one could succeed easily in doing this, in the context of WTO. Ultimately, according to Mr. Lim, WTO was a weak organization with strong agreements, and if human rights, and in particular economic, social and cultural rights, were to be integrated in international trade agreements, this should result from political will and from a strong sense of ownership of States. Mr. Lim concluded by saying that there should be more cooperation on the positive links between WTO and organizations working on economic, social and cultural rights, as they were too often overshadowed by the negative aspects.

1004. Mr. Singh (UNESCO) welcomed the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights that the Committee adopted. He further mentioned the ongoing dialogue between the Committee and UNESCO, which was based on a common understanding of the right to education as a fundamental human right, as set forth in articles 13 and 14 of the Covenant. The human rights-based approach to education gave support to one of UNESCO's main objectives, namely to make education accessible for all, as also reflected in the Dakar Framework of Action adopted at the World Education Forum in April 2000. In this regard, Mr. Singh welcomed the Committee's willingness to follow-up in the context of the Committee's reporting procedure, on the implementation of the Dakar Framework of Action by the States parties to the Covenant.

1005. Mr. Pityana (South African Human Rights Commission) stated that 50 years of international standard-setting activity had given the world a framework of conduct consisting of moral and legal principles, standards and values, which was to be applied by States vis-à-vis their own citizens and other States. Globalization had ensured the inextricable links between the fate and destiny of all States, groups and individuals, and the realization that the essence of the international normative framework of human rights is universal values, shared in common by all humanity. Mr. Pityana therefore denounced the phenomenon of "schizophrenia" that seemed to ail the world of today, in proclaiming one thing but doing another when it came to human rights.

1006. Mr. Pityana referred to earlier remarks about the lack of political will of States, stating that if they applied the same principles in the international financial institutions as they applied in the context of UNDP or ILO, they would have a better understanding of the effect of their decisions on the lives of people. He argued that a narrow conception of law and the legal application or interpretation of mandates should not be the only factors determining the direction of the World Bank or IMF, as it was a combination of legal applicability and moral authority that guided the affairs of the present world. The principles of human dignity, equality and social justice were values enshrined in the Constitution of South Africa and were to be taken into account by the South African Minister of Finance in dialogues with IMF. For their part, the independent national institutions, such as the South African Human Rights Commission , have the responsibility, endowed by the Constitution, to monitor compliance with the Constitution, to raise public awareness, to receive complaints of human rights violations, investigate them and provide redress as appropriate. Mr. Pityana also mentioned an annual report that the South African Human Rights Commission published, which was a public document that had proved influential in the development of public policy.

1007. He referred to the Constitutional Court of South Africa, which had been developing jurisprudence on the South African Constitution and which had delivered a number of landmark decisions on constitutionally guaranteed economic and social rights, which demonstrated the development of a significant body of case law on these rights. According to Mr. Pityana, the actions of the South African Human Rights Commission and other national human rights organizations had been influential in this development. In conclusion, he said that one could not purely rely on legal instruments or on advocacy to produce the desired results. He gave the example of the recent victory of the South African Government over a cartel of transnational pharmaceutical companies on access to HIV/AIDS drugs, which was not due solely to a legal judgement, but also to the engagement and moral pressure of civil society, both in South Africa and abroad. Increasingly, the moral voice of civil society was compelling international institutions and agencies to revisit their principles.

1008. Mr. Cheru (Independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights) responded to the statement by the representative of IMF, by stating that IMF did fall within the field of development, as macroeconomics were not an aim in themselves, but an instrument to attain more lofty goals enshrined in the articles of IMF, such as the upholding of human dignity. The disconnect that was being maintained by IMF, between macroeconomic policy and social policy, was anathema to the general consensus today that structural adjustment programmes were having a negative effect on social aspects of individuals' lives.

1009. Mr. Kothari (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination) agreed with the independent expert on structural adjustment and foreign debt that World Bank and IMF policies were having very negative effects on human rights. He pointed out that the need for trade-offs, as mentioned by the representative of the World Bank, meaning that not everyone could get what they need, reinforced the importance of international minimum thresholds, as referred to in the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee. Mr. Kothari also supported the point made earlier that the provisions in the Covenant on international cooperation merited further and closer attention.

1010. Mr. Sadi stressed that the Covenant did not come into being in a vacuum, but was based on the Charter of the United Nations and the Universal Declaration on Human Rights. It could therefore not be considered as entirely without significance for IMF. With regard to the reference made by the representative of IMF to the fact that article 24 of the Covenant prohibits it from impairing the Charter and the constitutions of specialized agencies, Mr. Sadi argued that the present situation was rather the other way around, namely that the realization of the provisions of the Covenant was being impeded by the way some institutions were interpreting their constitutions.

1011. Mr. Hunt wished to emphasize the Committee's view that a State party to the Covenant could not, and should not, jettison its legal human rights obligations under the Covenant when operating within, or negotiating with, international financial institutions.

1012. Mr. Gianviti (IMF) replied that he did not dispute States obligations to cooperate in accordance with articles 2 and 24 of the Covenant, nor that States could take into account their Covenant obligations in negotiations with IMF or the World Bank. The main question he had addressed in his intervention was whether the Covenant superseded the constitutions of international financial institutions.

1013. In his synthesis of the consultation, Mr. Rattray said that this meeting had to be seen as a point of departure in a continuing dialogue which must be continued in order to mainstream economic, social and cultural rights more effectively into development activities. He argued that these rights contained core obligations from which no derogation was possible and which constituted minimum standards, and that the international community should strive for more consensus on the fact that the Covenant was a source of these core obligations and standards. Mr. Rattray discerned some points of convergence on the issue of poverty, judging from the statements by the special representative of the World Bank and Mr. Hunt, and that this should be further developed.

1014. Mr. Massiah (HCCI) noted the need to reflect on how to advance the dialogue that was started today. An international discussion on economic, social and cultural rights should be organized, which could be focused on issues that were raised at this consultation. First of all, States were to look for support on integrating human rights into poverty reduction strategy papers. Furthermore, Mr. Massiah suggested that specialized agencies should be more alert and attentive to how civil society is evolving. For their part, members of civil society should be more aware of economic, social and cultural rights issues, as they can make a real difference. He also affirmed earlier statements on the importance of a rights-based approach to poverty reduction, thereby referring to the possible "sanctuarization" of health and education expenditures. Finally, with regard to the draft optional protocol to the Covenant that would provide for a complaints procedure for alleged violations of economic, social and cultural rights, Mr. Massiah argued that pressure should be exerted on Governments to move this issue forward, which has been under consideration of the Commission on Human Rights since 1997. He concluded by indicating the willingness of HCCI to contribute to the promotion of these issues, and mentioned that a seminar on global public property and strategies for cooperation was being organized by HCCI for 3 to 5 September 2001.

1015. Following the consultation, HCCI prepared a report which identifies topics for possible future work in relation to economic, social and cultural rights and the development activities of international institutions (see annex XVII below).

CHAPTER VI

Decisions adopted and matters discussed by the Committee at its twenty-fifth, twenty-sixth and twenty-seventh sessions

1016. Sections A and B of this chapter describe the revised methods of work of the Committee as they had been agreed upon, on a provisional basis, at its twenty-fifth session and submitted for consideration by the Economic and Social Council in May 2001. At its twenty-seventh session, the Committee decided to continuously evaluate revised procedures in the light of the experience acquired and to make any adjustments it may consider necessary.

A. Follow-up to Economic and Social Council decision 1999/287

1017. By its decision 1999/287 of 30 July 1999, the Economic and Social Council, concerned that existing meeting arrangements for the Committee no longer permitted the Committee to fully discharge its responsibilities under the Covenant and Council resolution 1985/17 of 28 May 1985 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as two additional meetings of the pre-sessional working groups of one week's duration during 2000 and 2001, provided that additional funding was made available. The Council requested that those sessions be entirely used for the consideration of reports of the States parties in order to reduce the backlog of reports; and that the Committee consider ways and means to improve the efficiency of its working methods. The Council requested the Committee to report to it in 2001 on action taken in this regard.

1018. The General Assembly, in its resolution 54/251 (sect. IV) of 23 December 1999, endorsed the Economic and Social Council decision.

1019. Accordingly, the Committee held its twenty-third (extraordinary) session held from 14 August to 1 September 2000. Seven States parties had been invited to present their reports at this session, but only four were able to send delegates. One report was considered by the Committee in absence of the State party's delegation, thus bringing to five the number of reports actually considered at the twenty-third session. The extraordinary session thus helped to reduce the accumulated backlog of reports received and pending consideration by the Committee. The twenty-sixth (extraordinary) session was scheduled to take place from 13 to 31 August 2001. The Committee had scheduled seven reports for consideration and has decided that no request for postponement from the States parties concerned will be accepted. Should a State party be unable to comply with the Committee's programme of work for the session, the Committee will proceed with its consideration of the State party's report in the absence of its delegation.

1020. In response to the request by the Economic and Social Council, the Committee, at its twenty-fifth session, discussed a number of improvements in its working methods with a view to dealing more effectively with the consideration of State party's reports at its future sessions. As a result, the Committee has adopted revised methods of work (see sect. B below) on a provisional basis, pending evaluation of the new procedures scheduled for later in 2001, in time for the annual report to be submitted in December.

1021. As a result of the review of its methods of work, the Committee is of the opinion that, for an experimental period of two years, the Committee should, as in the past, hold only two sessions per year, one in April-May and one in November-December. Under the revised working methods, the Committee and its pre-sessional working group will try to consider up to seven instead of five State party reports, of which one will be on a non-reporting State, or on a State party whose report is long overdue. The increase in the number of reports considered will only be possible provided that three public meetings for initial reports and only two meetings for periodic reports are allocated, in line with the practice of some other treaty bodies.

1022. The Committee is conscious of the very wide scope of the Covenant, the complexity of the issues raised, the long intervals between the consideration of many reports and the limited secretariat assistance available to prepare for and to deepen the constructive dialogue with State parties. Nevertheless, for an experimental period of two years, the Committee is prepared to reduce the time allocated for considering the periodic reports of States parties to two meetings while maintaining the three-meeting approach for initial reports. Should it find, at the end of that period, that the quality of report analysis suffers unduly from the shortened dialogue with States parties, it may revert to the previous practice of three meetings and the Committee may also request the Economic and Social Council to authorize three regular sessions per year.

B. Revised methods of work

1. Periodicity of reporting

1023. The present reporting cycle was introduced in 1988 (see Economic and Social Council resolution 1988/4 of 24 May 1988), on the basis of which States parties are to submit an initial report, dealing with provisions of the entire Covenant, within two years of the Covenant's entry into force for the State concerned. Every five years thereafter, a single, comprehensive periodic report is required. Only a minority of States parties observe the reporting cycle. Often reports are either submitted considerably late or not at all, or only submitted after pressure is exerted by the Committee.

1024. At its twenty-fourth session, on 30 November 2000, the Committee resolved that, as a general rule, a State party's next periodic report should be submitted five years after the Committee's consideration of the State's preceding report, but that the Committee may reduce this five-year period on the basis of the following criteria, taking into account all relevant circumstances:

(*a*) The timeliness of the State party's submission of its reports in relation to the implementation of the Covenant;

(*b*) The quality of all the information, such as reports and replies to lists of issues submitted by the State party;

(*c*) The quality of the constructive dialogue between the Committee and the State party;

(*d*) The adequacy of the State party's response to the Committee's concluding observations;

(*e*) The State party's actual record, in practice, regarding implementation of the Covenant in relation to all individuals and groups within its jurisdiction.

2. Guidelines for preparing State party reports

Present practice

1025. The Committee requests that State party reports, both initial and periodic, conform to the revised general guidelines[2] regarding the form and contents of reports to be submitted by State parties. The guidelines contain specific questions that refer both to the general provisions (arts. 1-5) and to the substantive articles (arts. 6-15) of the Covenant. The Committee is currently reviewing these guidelines. One main proposal on which work has begun involves separate sets of guidelines, one for initial and one for periodic reports. This should streamline and focus the work of the Committee and of States parties in the preparation of their reports.

Problems with the present practice

1026. Whereas it is important that initial reports be comprehensive, providing a detailed account of the national legal, administrative and practical system of implementation of the Covenant as requested in the guidelines, it is questionable whether it is useful for the Committee to ask States parties to repeat such information in their periodic reports. Such non-differentiation between initial and periodic reports results in State parties submitting bulky reports that not only prolong the processing of the document (editing and translation), but also burden the State party and the Committee with unnecessarily long reports to produce and to study. Further, a global detailed periodic report risks diverting the Committee's focus from issues of prime importance, such as follow-up to previous concluding observations.

Suggestions and recommendations

1027. The Committee requests that periodic reports be limited to significant new legislative, judicial, administrative and policy developments, subject matters raised in the Committee's previous concluding observations and issues raised in the list of issues. The new approach will oblige State parties to focus on the measures taken to implement the Committee's previous recommendations and help the Committee to focus the dialogue and to draft focused concluding observations that will assist States, as well as national non-governmental organizations and other partners in terms of follow-up at the national level. Potentially, a focused approach to periodic reports may decrease duplication of information in reports submitted to other treaty bodies, as the information will be more closely tailored to the particular concerns of the Committee. Moreover, shorter periodic reports by State parties are likely to facilitate their processing, which takes up to one year. Shorter reports also require less time for editing and translating. Importantly, the Committee will retain its freedom to request States parties to submit a comprehensive periodic report if it is deemed necessary.

1028. In order to better assist State parties in discharging their obligations, the Committee will endeavour to bring a closer focus on the selection of priority issues for concluding observations.

3. Pre-sessional working group

Present practice

1029. A pre-sessional working group meets for five days to discuss a number of State party reports and to adopt lists of issues prior to the session at which these reports are to be considered. The working group is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

1030. The working group allocates to each of its members (the "country rapporteurs") the initial responsibility for undertaking a detailed review of a specific report, as well as the relevant information provided by the secretariat, and for putting before the working group a preliminary list of issues. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports. In 1999, the Committee decided that its pre-sessional working group should draft and approve lists of issues with respect to initial reports not exceeding 60 questions, while for periodic reports lists of issues should be limited where possible to 30 questions.

1031. Immediately after their adoption by the pre-sessional working group, the secretariat transmits the lists of issues to the State party in question for a written response. This takes place some 6 to 12 months before the session at which the report of the State party is considered.

1032. In preparation for the pre-sessional working group, the Committee asks the secretariat to place country profiles at the disposal of its members, as well as all pertinent documents containing information relevant to each report to be examined. The country profile is made available to the country rapporteur six months prior to the meeting of the pre-sessional working group at which the rapporteur's draft list of issues is discussed.

Problems with the present practice

1033. If States parties submit written replies to the list of issues, which happens a little over 50 per cent of the time, such replies often arrive after the deadline, set at three months before the session at which the report is to be considered. The deadline marks the time needed for the editing and translation of the replies into the working languages of the Committee. As a result, the Committee often has the replies only in one language, usually English. In such cases, the delegation is asked to summarize the text of the replies to be interpreted simultaneously for non-anglophone Committee members. This procedure takes up an inordinate amount of time during the constructive dialogue.

1034. The second problem with the present procedure is that the lists of issues are often long for both initial and periodic reports, containing 40 or more detailed questions. While this practice may be justified when the Committee is considering a seriously unsatisfactory initial (or periodic) report, the number of questions should be reduced considerably in an effort to focus on the ensuing constructive dialogue, especially in the case of periodic reports.

Future procedure

1035. In an effort to better focus the constructive dialogue, the Committee has decided to formalize the existing practice of limiting the number of questions in the list of issues. In future, the maximum number of questions will be set at 40 for initial reports and at 25 for periodic reports. However, if a report proves to be grossly inadequate, additional necessary questions will be asked.

1036. The Committee has also decided to change the structure of the lists of issues. In future, it will limit requests for written information to statistical data, information requested in the guidelines but missing in the report, points of clarification regarding the report, and information on key legal, structural, policy and institutional issues (for the initial report) or new developments (with regard to periodic reports). This approach serves to indicate to the State party the issues that the Committee will take up during the dialogue, as well as providing the State party with an idea about the experts needed by the delegation.

4. Constructive dialogue

Present practice

1037. In general, the Committee devotes three meetings of three hours each to the public examination of each report. In addition, it generally devotes three hours during the third week of the session, in private, to the discussion and adoption of each set of concluding observations.

1038. At the beginning of the dialogue, representatives of the reporting State are invited to make a brief introductory statement and to summarize written replies to the list of issues. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue, first giving the floor to the country rapporteur if he/she so wishes, and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. The chairperson and/or individual members may, if necessary, intervene whenever the dialogue seems to be going off on a tangent, when responses seem to be taking an unduly long time or when answers lack the necessary focus and precision. Representatives of relevant specialized agencies may also be invited to contribute at any stage of the dialogue.

1039. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period (40 minutes to an hour) in closed session after the conclusion of the dialogue to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

Problems with the present practice

1040. At its twentieth session, held in 1999, the Committee considered how to improve the questioning and dialogue with government delegations. In order to avoid repetitious questions and dwelling unnecessarily long on opening questions that refer to very general matters, it was considered expedient to adopt a different approach: Committee members would be invited, before the beginning of the dialogue, to indicate which article(s) they wish to comment on. If several Committee members put down their names for one article, the Chairperson will try to arrange who should be the main questioner. This does not, of course, affect the right of any member to raise questions additionally or spontaneously, but it helps to ensure that more equal weight is placed on all articles of the Covenant and that the unnecessary repetition of questions is avoided.

Future practice

1041. In an effort to save time and to allow for the consideration of more reports during each session, the Committee, following the practice adopted by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, has decided to schedule three meetings for initial reports and two for periodic reports.

1042. In order to ensure that the State party delegation is well aware of the procedure of the constructive dialogue, the Committee on Economic, Social and Cultural Rights requests the secretariat to brief the mission of a State party on the procedure as it notifies it of the scheduling of the consideration of its report. The secretariat will also be requested to advise the mission on the composition of the delegation.

1043. To avoid repetition of questions and emphasis on general opening questions, the Committee has decided to formalize the approach considered at its twentieth session. The Committee will set half an hour before the beginning of the dialogue to go over, in a private meeting, the main issues concerning the State party, in order to confer about how to approach cross-cutting issues. Experts from the secretariat may be invited to inform the Committee about issues pertaining to the implementation of the Covenant by the respective State party. For initial reports this coordination meeting will take place within the nine hours allocated for the dialogue; for periodic reports it will have to be held before the six-hour dialogue with the State party and, consequently, can only be conducted in two of the Committee's working languages (English and French). The meeting cannot take place during the six-hour dialogue, as time is too short to spend half an hour considering how to proceed.

1044. During the 30 minutes before the beginning of the dialogue, the Committee will name a main commentator on each question, article or issue. Other commentators will take up matters not addressed by the main commentator and limit their interventions to three minutes or less. This method will not prejudice the country rapporteur, who will be free to intervene at any time.

1045. In order to enhance the quality of the dialogue between the State party and the Committee in future, the head of the State party delegation will be requested to confine the opening statement to a maximum of 10 minutes. Remarks by Committee members should be much shorter than in the past and, in any event, must not exceed three minutes per speaker. The delegation's answers should also be very brief and to the point, avoiding generalities and detailed explanations of existing legislation. The Committee, although interested in such information, is primarily interested in the operation of such legislation, plans of action and other administrative or judicial measures taken, in order to be able to ascertain whether the State party has met its obligations under the Covenant and to make meaningful suggestions and recommendations in its concluding observations.

1046. In an effort to focus the dialogue, the Chairperson will indicate at the beginning of the dialogue which of the Committee members will be leading the questions on particular articles or issues. Additional questions on individual articles will be raised sparingly, avoiding repetition at all costs, and should be coordinated in the structure meeting prior to the beginning of the dialogue.

5. Follow-up

Present practice

1047. Procedures in relation to follow-up action:

(*a*) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee, in its concluding observations, may make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(*c*) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond, prior to the date that the next report is due to be submitted, to any pressing specific issue identified by the concluding observations;

(*d*) Any information provided in accordance with (*b*) and (*c*) above will be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) Thereafter, the Committee's Chairperson will inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(*f*) If the information requested in accordance with (*b*) and (*c*) above is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, is authorized to follow up the matter with the State party.

Future practice

1048. In its revision of reporting guidelines, the Committee will consider emphasizing the importance of addressing the previous concluding observations of the Committee in subsequent periodic reports (see para. 1027 above).

1049. To ensure more efficient follow-up to the consideration of reports, the Committee requests the secretariat to strengthen in-house cooperation with the national human rights institutions team and country desk officers.

1050. With regard to follow-up, the Committee will also look into ways of further strengthening its cooperation with the relevant special rapporteurs of the Commission on Human Rights (including the special rapporteurs on adequate housing, on the right to education, on the right to food, on violence against women, its causes and consequences, on the sale of children, child prostitution and child pornography and on the human rights of migrants) and with its independent experts (on the right to development, on the question of human rights and extreme poverty and on structural adjustment and foreign debt), and with United Nations specialized agencies and programmes, in line with Commission resolution 2001/30 of 20 April 2001.

1051. The Committee will closely address the problem of consistent implementation of the follow-up procedure.

6. Overdue reports and non-reporting

1052. The Committee resolved at its sixth session to begin to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are significantly overdue.

1053. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(*b*) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

1054. The present practice only applies to non-reporting States, that is, to those States that have not submitted an initial report. No procedure exists with regard to States with overdue periodic reports.

1055. The Committee has decided to develop a similar procedure concerning State parties, whose periodic reports are significantly overdue, similar to the one applied to States with overdue initial reports. In such cases, States will be informed by the chairperson that a non-reporting procedure will be set in motion, if a periodic report is not submitted at the next session. That reporting deadline may be extended for one further session, upon satisfactory explanation by the State party as to why it cannot comply with the reporting requirements within that period of time. States parties are reminded that they can avail themselves of the advisory and technical services of the Office of the United Nations High Commissioner for Human Rights in this respect. Thereafter, the Committee will proceed with an analysis of the situation in the State party, based on information available to it from other sources.

7. General comments

1056. The Committee prepares general comments based on various articles, provisions and themes of the Covenant to assist the States parties in fulfilling their obligations under the Covenant and to stimulate the international organizations and specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized therein. Members may propose at any time that a general comment relating to a specific article or provision of an article be prepared. Usually, individual members of the Committee are charged with producing the initial, informal draft general comment. Generally, the Committee devotes one day, usually the Monday of the third week of the session, to a discussion on the aspect of the Covenant addressed in the draft general comment. The purpose is twofold: to assist the Committee in developing in greater depth its understanding of the relevant issues; and to enable the Committee to encourage input to its work from all interested parties.

1057. The practice works well, but in order to ensure better coordination with other treaty monitoring bodies, the Committee will continue to try to issue joint general comments on overlapping provisions and will continue to consult with the other treaty monitoring bodies on any draft general comment it is preparing.

1058. The Committee will continue the efforts it successfully instituted during the drafting stage of the most recent general comments to ensure the widest possible consultation with those interested in contributing to them.

C. Other issues dealt with by the Committee in 2001

1. Statement on poverty and the International Covenant on Economic, Social and Cultural Rights

1059. In 2000, the Chairperson of the Committee engaged in correspondence with the President of the World Bank and the Director-General of IMF about Poverty Reduction Strategy Papers, which form an integral part of the Heavily Indebted Poor Countries Initiative.[24] As a contribution to the preparation and implementation of effective poverty reduction strategies, including Poverty Reduction Strategy Papers, on 4 May 2001 the Committee adopted a statement on poverty and the Covenant (see annex VII below). The Statement aims to facilitate the integration of human rights, and in particular the rights enshrined in the Covenant, in all poverty-reduction strategies.

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[24] See *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex VI.

2. Third United Nations Conference on the Least Developed Countries

1060. On 28 March 2001, the Chairperson of the Committee wrote a letter to Mr. Scavée, chairperson of the Intergovernmental Preparatory Committee for the Third United Nations Conference on the Least Developed Countries, for distribution to all participants (annex VIII below). On 11 May 2001, the Chairperson submitted to the Third Conference, held in Brussels from 14 to 20 May 2001, the Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee.

3. Guidelines on human rights and poverty reduction strategies

1061. One of the issues raised at the day of general discussion of the international consultation on economic, social and cultural rights in the development activities of international institutions, during the Committee's twenty-fifth session (see chap. V above), was the desirability of assisting States that might wish to integrate human rights into their poverty reduction strategies. Following the international consultation, informal discussions took place to explore how this goal might be achieved. On 5 July 2001, the Chairperson of the Committee wrote to the United Nations High Commissioner for Human Rights suggesting that the Office of the High Commissioner might develop a project for the preparation of guidelines setting out how States could integrate human rights into poverty reduction strategies, including Poverty Reduction Strategy Papers (annex IX, sect. A, below). On 25 July 2001, the High Commissioner wrote to the Chairperson of the Committee confirming that the Office of the High Commissioner would undertake such a project with appropriate assistance and support (ibid., sect. B).

4. Enhancing collaboration with UNESCO

1062. In recent years, the Committee and UNESCO have increased their cooperation.[25] In 2001, in the light of the Dakar Framework of Action adopted at the World Education Forum in April 2000, both parties have sought to develop this cooperation further in a manner consistent with their respective mandates and expertise. Thus, UNESCO's Executive Board invited the Chairperson of the Committee for a dialogue with members of UNESCO's Committee on Conventions and Recommendations. The dialogue, on monitoring the right to education, took place at UNESCO's Headquarters in Paris on 21 May 2001. During the frank and constructive dialogue, the Chairperson proposed that the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights establish a small, joint expert group to work on issues of common concern arising from the right to education.

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[25] Ibid., annex VII.

1063. Following the dialogue, UNESCO's Committee on Conventions and Recommendations recommended the establishment of a joint UNESCO/Committee on Economic, Social and Cultural Rights expert group on follow-up to the right to education, as proposed by the Chairperson on behalf of the Committee on Economic, Social and Cultural Rights. This recommendation was approved by UNESCO's Executive Board during its one hundred and sixty-second session in November 2001. The decision of the Executive Board sets out the proposed terms of reference, and composition, of the Joint Expert Group, reflecting fully the proposal made by the Chairperson on behalf of the Committee (annex X reproduces the letter from the UNESCO Assistant Director-General for Education regarding the Executive Board's decision, as well as an excerpt from the decision).

1064. At its twenty-seventh session, the Committee warmly welcomed and endorsed the decision of UNESCO's Executive Board. In the circumstances, the Committee took the view that it would be most appropriate for UNESCO to provide the secretariat for the Joint Expert Group, on the understanding that this secretariat will liase closely with the secretariat of the Committee. Anticipating that its participation will be possible within existing financial resources, the Committee appointed the Chairperson, Ms. Bonoan-Dandan and the Rapporteur, Mr. Hunt, to be its representatives on the Joint Expert Group.

1065. The Chairperson and Rapporteur of the Committee were invited by UNESCO's Assistant Director-General for Social and Human Sciences to informal consultations in Paris on 19 November 2001. The consultations were with representatives from the sector for Social and Human Sciences, as well as UNESCO's other sectors. There was discussion, for example, about UNESCO's Universal Declaration on Cultural Diversity, adopted on 2 November 2001, which expressly refers to articles 13 and 15 of the Covenant, as well as a discussion about the "Main Lines of an Action Plan" appended to the Declaration, which is intended to facilitate implementation of the Declaration.

5. Dialogue with the Commission on Human Rights' Special Rapporteur on adequate housing; statement to the special session of the General Assembly

1066. On 11 May 2001, at its twenty-fifth session, the Committee had an exchange of views with Mr. Kothari, the Commission on Human Rights' Special Rapporteur on adequate housing, with a view to exploring the scope of appropriate cooperation between the Committee and the Special Rapporteur. He briefed the Committee on his first report presented to the Commission in 2001 (E/CN.4/2001/51).

1067. Based on a discussion paper, the Special Rapporteur outlined several possible areas of cooperation with the Committee, including the exchange of information and strengthening the capacity of State parties to monitor the implementation of the Covenant. In the country missions to be undertaken during his mandate, the Special Rapporteur will pay particular attention, where appropriate, to follow-up regarding the Committee's concluding observations. He also indicated his readiness to cooperate with the Committee on thematic issues bearing upon his and the Committee's mandates, such as globalization, trade agreements, international cooperation, access to safe drinking water and poverty reduction strategies. The Committee appreciated and generally endorsed the approach of the Special Rapporteur, and appointed a focal point to facilitate further cooperation with him. The Committee also encouraged the Special Rapporteur to liase closely with the independent expert on a draft optional protocol to the Covenant.

1068. The Special Rapporteur also brought to the attention of the Committee his concern about the lack of recognition of the right to adequate housing in the draft declaration that was to be adopted in June 2001 at the special session of the General Assembly for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II). The Committee decided to adopt a statement to be sent to the General Assembly (annex XI below) reaffirming the position taken in its statement submitted to the Conference on 6 December 1995.[26]

6. Statement to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination

1069. During its twenty-seventh session, the Committee submitted a statement to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination, held in Madrid from 23 to 25 November 2001 (annex XII below). In this statement, the Committee, recalling its active participation in the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, brought to the attention of the International Consultative Conference its General Comments No. 11 (1999), on plans of action for primary education (art. 14 of the Covenant), and No. 13 (1999) on the right to education (art. 13 of the Covenant). The Committee emphasized that education is one of the most powerful tools by which the world can overcome racism, racial discrimination, xenophobia and related intolerance.

7. Statement on human rights and intellectual property

1070. On 26 November 2001, at its twenty-seventh session, the Committee adopted a statement on intellectual property and human rights (annex XIII below). After its day of general discussion on 27 November 2000, during its twenty-fourth session, concerning article 15, paragraph 1 (*c*) of the Covenant, the Committee decided to prepare and adopt a general comment on intellectual property and human rights. Pending the adoption of such a general comment, the Committee decided to adopt a statement on this topic as its preliminary contribution to the rapidly evolving debate on intellectual property. The statement aims to identify some of the key human rights principles, deriving from the Covenant, that are required to be taken into account in the development, interpretation and implementation of contemporary intellectual property regimes. These basic principles will be further refined, elaborated and applied in the Committee's forthcoming general comment.

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[26] Ibid., *1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), annex VIII.

8. UNFPA-WHO briefing on reproductive and sexual health to members of the Committee (20 November 2001)

Background

1071. UNFPA's work with the treaty bodies began in 1996 with the round table of human rights treaty bodies on human rights approaches to women's health, with a focus on sexual and reproductive health and rights (Glen Cove, United States of America). The round table was jointly organized by UNFPA, the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women. It was the first occasion on which members of the six human rights treaty bodies met to focus on the interpretation and application of human rights in relation to a specific thematic issue. Treaty committee members were joined at this round table by United Nations agencies and bodies, non-governmental organizations and academics. Participants outlined the legal and moral framework for recognizing reproductive and sexual health as human rights issues. They discussed violations of these rights and ways and means to integrate gender awareness into their work.

1072. Since then, UNFPA has undertaken several initiatives to strengthen its work with the treaty bodies. In particular, on 20 November 2001, UNFPA, in collaboration with WHO, organized the first briefing on reproductive and sexual health, for members of the Committee. The briefing was presided over by Ms. Bonoan-Dandan, Chairperson of the Committee.

Presentation by UNFPA and WHO

1073. Ms. Angarita (UNFPA and Office of the United Nations High Commissioner for Human Rights) started her presentation by highly commending the work of the Committee in the monitoring of reproductive and sexual health, and made reference to the relevant and timely development of General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant). Ms. Angarita recalled that an improved understanding of reproductive health in the international community had developed over the past few years. For example, there was now a greater understanding of the causes and consequences of poor reproductive and sexual health, the development of standards to measure observance of human rights through the work of the human rights treaty bodies, improved application of human rights to protect reproductive and sexual health through treaty bodies' concluding observations, the strategic use of concluding observations by non-governmental organizations at the national level, and increased use of international human rights standards by national courts.

1074. Ms. Angarita said that a follow-up meeting to the 1996 round table had been organized in Geneva in June 2001 by UNFPA and the Office of the High Commissioner to assess progress, obstacles and opportunities in integrating health and reproductive rights into the work of the treaty bodies. This meeting was also aimed at defining actions and recommendations to ensure better implementation of treaty obligations at the domestic level so as to promote and ensure enjoyment by women and men of reproductive and sexual health. Lastly, Ms. Angarita referred to a set of model questions and indicators on reproductive health that UNFPA and WHO were trying to put together and which could be raised during the Committee's dialogue with States parties to the Covenant; to the development of a guidance note on reproductive and sexual health for four of the six treaty bodies (Committee on the Rights of the Child, Committee on Economic, Social and Cultural Rights, Human Rights Committee and Committee on the Elimination of Racial Discrimination); and to the fact that UNFPA was in the process of developing a reporting format for the preparation of country analyses on population and development issues to be provided to the treaty bodies.

1075. Mr. MacDonald (Director, UNFPA Geneva Office) said that the universality and indivisibility of human rights had been affirmed in the activities of UNFPA. He also emphasized that priority should be given to the most disadvantaged persons, particularly in the rural areas which were less accessible. It was now 30 years since efforts had been made to emphasize the integration of sexual and reproductive health in national health services.

1076. Mr. MacDonald said that refugees had been excluded from the provisions of basic health services, including sexual and reproductive health. However, on the initiative of the United Nations High Commissioner for Refugees and UNFPA, these services are now being provided on a regular basis. Internally displaced persons are still being excluded from having access to basic health services because of their precarious living conditions. In general, the struggle against exclusion and marginalization should continue in concert with all agencies working in health services. Further, a dialogue should be established with Governments and civil society.

1077. Mr. MacDonald said that since the International Conference on Population and Development, held in Cairo in September 1994, UNFPA had focused on the promotion of reproductive rights and sexual health within the context of national and cultural settings and on linking all other developments complementary to reproductive and sexual health.

1078. Mr. MacDonald emphasized that domestic violence that victimized the female population had to be dealt with through the proper training of law enforcement agents to better implement existing legal provisions. The campaign against violence had to be increased and society's awareness of the issue had to be raised. UNFPA presented the Committee with several publications.

1079. Ms. Cottingham (Department of Reproductive Health and Research, WHO) said that one of WHO's roles was to develop indicators for global monitoring of health, including reproductive health. She went on to make a comprehensive presentation on global trends and indicators in reproductive and sexual health issues. Of the current 17 global indicators on reproductive health, Ms. Cottingham highlighted those related to maternal mortality and morbidity, abortion, and sexually transmitted infections including HIV/AIDS. She also presented data on adolescent sexual and reproductive health and on violence against women. Ms. Cottingham pointed out that maternal mortality was notoriously difficult to measure properly for a number of reasons including the lack of well-functioning registration in the countries where maternal mortality is highest. However, there was a very clear relationship between the presence of skilled attendants at delivery and low ratios of maternal mortality in developing countries. This meant that establishing the extent to which countries are making an effort to provide skilled attendance to women in childbirth was a good measure of assessing progress towards protecting women's right to health.

1080. Collecting data related to unsafe abortion was also very challenging because of the clandestine nature of the problem. Yet unsafe abortions are estimated to account for 13 per cent of maternal mortality globally. The fact that abortion was legal in a country did not necessarily mean it was safe or that women had access to good quality services. On the other hand, most countries have legal provision to provide abortion to preserve the life and health of women, so that all countries should have trained and equipped staff to deliver abortion care in these instances.

1081. Trends in indicators related to sexually transmitted infections, HIV/AIDS and adolescent sexual and reproductive health indicate that much can be done by Governments to improve access to appropriate information and services, thereby improving people's health.

Discussion

1082. The representatives of UNFPA and WHO presented models of questions that might be raised by the Committee during its dialogue with States parties to the Covenant. The questions focus mainly on article 12, paragraph 1, of the Covenant. It was noted that General Comment No. 14 (2000), adopted by the Committee, includes the right to reproductive and sexual health. It was suggested by Committee members that, given time constraints, not all the questions could be raised during the constructive dialogue with States. There was consensus, however, that the questions presented were relevant, that a guidance note on reproductive and sexual health would be welcome, and that close cooperation between the Committee and United Nations agencies was essential. UNFPA and WHO had a crucial role to play.

1083. In the discussion that followed the briefings, Mr. Riedel expressed his satisfaction with the presentations and commended UNFPA and WHO's initiatives in embracing a rights analysis in their work. He stressed that reproductive health issues should not solely focus on women, but should also address men's reproductive health. Ms. Barahona-Riera pointed out the need to analyse these issues within the broader context of the Covenant, as they are very much dependent on the socio-cultural context, where inequity and inequality between women and men remain a fundamental problem. There was a pressing need to develop a culture for policies and programmes that promote equality between women and men. Ms. Bonoan-Dandan, the Committee Chairperson, said that when the issue of equality between women and men was raised, women were still often subordinate to men. There were a number of studies on the causes of violence against women, but the simple question, "Why do men beat women?", had not been adequately discussed. The fact that some women accepted beatings from their husbands or brothers should also be examined. Mr. Sadi recalled that reproductive and sexual health was not only about women, and he asked about the role of men. The representative of WHO clarified that when addressing reproductive health issues, men were also part of the equation, but women carried the highest burden. Mr. Riedel inquired about the availability of data on violence against women and referred to the list of 17 reproductive health indicators for global monitoring; he stressed the need for more data disaggregation and the greater use of right to health indicators by the Committee. There was a reference by Mr. Ceausu to the Committee's guidelines on State parties' reporting and the fact that, in relation to article 12 of the Covenant, there were 27 questions or guidelines. Revising these guidelines provided an important way of integrating more reproductive health issues in the Committee's work.

1084. Mr. Hunt outlined the model working relationship between an agency and the Committee: the provision of reliable data, leading to well-informed constructive dialogue and helpful concluding observations. If the Committee is provided with good disaggregated data, it can formulate helpful concluding observations that reinforce the policies, programmes and projects of agencies, so far as they are consistent with the provisions of the Covenant. This model working relationship would help States as well as agencies. Mr. Hunt noted, however, that this ideal working relationship was faced with an institutional obstacle: the Committee's lack of capacity to deal with so many countries and so many issues in a relatively short time. In most cases, the Committee has about six hours in which to consider each State party. Mr. Hunt asked whether or not this was sufficient time to do justice to all the pressing Covenant issues, including reproductive and sexual health rights. Mr. Hunt wondered whether UNFPA or WHO might support the establishment of a specialist subcommittee on reproductive and sexual health rights, and he asked whether the agencies had their own independent mechanism to review the relevant policies of States parties.

1085. Several Committee experts seconded the proposal by the Chairperson of the Committee, who suggested that UNFPA and WHO could identify the most critical issues confronting each State party and provide the Committee with relevant questions and recommendations.

1086. Ms. Cottingham (Department of Reproductive Health and Research, WHO) suggested that WHO and UNFPA could focus on countries that had critical reproductive health problems, so that the burden of compiling and presenting a report could be lessened. In this context, Mr. Riedel suggested that the Committee's list of issues could be used as a mechanism for obtaining relevant information from States. Ms. Martin Hilber (WHO) emphasized that WHO had the mandate to help countries measure and implement the right to health and that indicators had a crucial role in this regard.

1087. Mr. MacDonald (Director, UNFPA Geneva Office) referred to the WHO-UNICEF-UNFPA Coordinating Committee on Health. This tripartite mechanism existed at the country level and could be used to strengthen the work of the human rights treaty bodies. A member of the Committee on Economic, Social and Cultural Rights emphasized that it was an independent monitoring committee and as such could help agencies review the policies of Governments. Ms. Angarita (UNFPA and Office of the United Nations High Commissioner for Human Rights) referred to the UNDP-UNFPA Executive Board as a possible entry point for strengthening the work of the Committee in monitoring reproductive and sexual health. She suggested that the Committee's concluding observations could be taken into account by the Executive Board when it considers particular States. UNFPA could possibly invite a Committee member to participate in these discussions. Ms. Angarita pointed out that since there were so many issues to consider when addressing reproductive health, and these were not only covered under article 12 of the Covenant, WHO and UNFPA could each take up critical issues in order to give better coverage to them within the same country. Ms. Angarita proposed that WHO and UNFPA prepare a joint proposal on how they could work with the Committee. Ms. Bonoan-Dandan, Chairperson of the Committee, endorsed the various recommendations and suggestions that had been made, and said the Committee looked forward to receiving them in writing. In her closing remarks, she thanked UNFPA and WHO for the excellent dialogue and for the documentation provided.

CHAPTER VII

Adoption of the report

1088. At its 76th, 82nd and 87th meetings, held respectively on 22, 27 and 30 November 2001, the Committee considered its draft report to the Economic and Social Council on the work of its twenty-fifth, twenty-sixth and twenty-seventh sessions (E/C.12/2001/CRP.1 and Add.1 and CRP.2). The Committee adopted the report as it had been modified during the discussions.

ANNEXES

ANNEX I

States parties to the Covenant and status of submission of reports (as of 30 November 2001)

A. Initial and second periodic reports

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46 and 47-48)			E/1990/6/Add.26 (E/C.12/2001/SR.65-66)		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.30-32)		E/1988/5/Add.4 and 8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (E/C.12/1999/SR.33-36)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38-40)			Overdue (Was due on 30 June 2001)		
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)			Overdue (Was due on 30 June 2000)		
10. Bangladesh	5 January 1999	Overdue (Was due on 30 June 2001)					
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (E/C.12/2000/SR.64-66)		
14. Benin	12 June 1992	E/1990/5/Add.48 (Received 5 February 2001 - Pending consideration)					
15. Bolivia	12 November 1982	E/1990/5/Add.44 (E/C.12/2001/SR.15-17)			Due on 30 June 2005		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
16. Bosnia and Herzegovina	6 March 1993	Overdue					
17. Brazil	24 April 1992	E/1990/5/Add.53 (Received 21 August 2001 - Pending consideration)					
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
19. Burkina Faso	4 April 1999	Overdue (Was due on 30 June 2001)					
20. Burundi	9 August 1990	Overdue					
21. Cambodia	26 August 1992	Overdue					
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	Overdue (Was due on 30 June 2001)		
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6 and 7)	
24. Cape Verde	6 November 1993	Overdue					
25. Central African Republic	8 August 1981	Overdue					
26. Chad	9 September 1995	Overdue					
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
28. China*	27 June 2001	Due on 30 June 2003					
29. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
30. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
31. Côte d'Ivoire	26 June 1992	Overdue					
32. Croatia	8 October 1991	E/1990/5/Add.46 (E/C.12/2001/SR.69-71)			Due on 30 June 2006		
33. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
34. Czech Republic	1 January 1993	E/1990/5/Add.47 (Pending consideration)					
35. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
36. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41	Overdue		
		(E/C.12/1988/SR.16-19)					
37. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	
38. Dominica	17 September 1993	Overdue					
39. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
40. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
			(E/C.12/1990/SR.37-39 and 42)				
41. Egypt	14 April 1982	E/1990/5/Add.38 (E/C.12/2000/SR.12 and 13)			Due on 30 June 2003		
42. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)			Overdue		
43. Equatorial Guinea	25 December 1987	Overdue					
44. Eritrea	17 July 2001	Due on 30 June 2003					
45. Estonia	21 January 1992	E/1990/5/Add.51 (Received 5 July 2001 - Pending consideration)					
46. Ethiopia	11 September 1993	Overdue					
47. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
48. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	E/1990/6/Add.27 (E/C.12/2001/SR.67- 68)		
49. Gabon	21 April 1983	Overdue					
50. Gambia	29 March 1979	Overdue					
51. Georgia	3 August 1994	E/1990/5/Add.37 (E/C.12/2000/SR.3-5)			E/1990/6/Add.31 (Received 19 June 2001 - Pending consideration)		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
52. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35 and 36)
53. Ghana	7 December 2000	Due on 30 June 2002					
54. Greece	16 August 1985	Overdue					
55. Grenada	6 December 1991	Overdue					
56. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)				Overdue	
57. Guinea	24 April 1978	Overdue					
58. Guinea-Bissau	2 October 1992	Overdue					
59. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
60. Honduras	17 May 1981	E/1990/5/Add.40 (E/C.12/2001/SR.5-8)			Due on 30 June 2006		
61. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
62. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29-31)			E/1990/6/Add.15 (E/C.12/1999/SR.3-5)		
63. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
64. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42-43 and 45)	Overdue		
65. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
66. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14-16)			E/1990/6/Add.29 (Pending consideration)		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
67. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31-33)			E/1990/6/Add.32 (Received 3 August 2001 - Pending consideration)		
68. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
69. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	E/1990/6/Add.28 (E/C.12/2001/SR.73)	
70. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1 SR.12-13)	E/1990/6/Add.21 and Corr.1 (E/C.12/2001/SR.42-43)		
71. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (E/C.12/2000/SR.30-33)		
72. Kenya**	3 January 1976	Overdue			Overdue		
73. Kuwait	31 August 1996	Overdue					
74. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (E/C.12/2000/SR.42-44)			Due on 30 June 2005		
75. Latvia	14 July 1992	Overdue					
76. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
77. Lesotho	9 December 1992	Overdue					
78. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20-21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	Overdue		
79. Liechtenstein	10 March 1999	Overdue (Was due on 30 June 2001)					
80. Lithuania	20 February 1992	Overdue					
81. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48-49)		
82. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	
83. Malawi	22 March 1994	Overdue					
84. Mali	3 January 1976	Overdue					
85. Malta	13 December 1990	Overdue					
86. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
87. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
88. Monaco	28 November 1997	Overdue					
89. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
90. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20 (E/C.12/2000/SR.70-72)		
91. Namibia	28 February 1995	Overdue					
92. Nepal	14 August 1991	E/1990/5/Add.45 (E/C.12/2001/SR.44-46)			Due on 30 June 2006		
93. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/ Add.11-13 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/ Add.11-13 (E/C.12/1998/ SR.13-17)
94. New Zealand	28 March 1979	E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26)			E/1990/6/Add.33 (Received 30 September 2001 - Pending consideration)		
95. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15-16 (E/C.12/1993/ SR.27-28)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
96. Niger	7 June 1986	Overdue					
97. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-8)			Overdue		
98. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4-5 and 12)
99. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)
100. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)			Overdue		
101. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14-17)		Overdue		
102. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	

Annex I *(continued)*

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
103. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6-7 and 15)
104. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
105. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			E/1990/6/Add.23 (E/C.12/2001/SR.12-14)		
106. Republic of Moldova	26 March 1993	E/1990/5/Add.52 (Received 2 July 2001 - Pending consideration)					
107. Republic of the Congo	5 January 1984	Overdue (Without report: E/C.12/2000/SR.16-17)					
108. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
109. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (Withdrawn)
110. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	
111. Saint Vincent and the Grenadines	9 February 1982	Overdue					
112. San Marino	18 January 1986	Overdue					
113. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37-38)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	E/1990/6/Add.25 (E/C.12/2001/SR.32-33)		
114. Seychelles	5 August 1982	Overdue					
115. Sierra Leone	23 November 1996	Overdue					
116. Slovakia	28 May 1993	E/1990/5/Add.49 (Received 2 March 2001 - Pending consideration)					
117. Slovenia	6 July 1992	Overdue					

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
118 Solomon Islands	17 March 1982	Overdue (Without report: E/C.12/1999/SR.9) E/1990/5/Add.50 (Received 2 July 2001 - Pending consideration)					
119 Somalia	24 April 1990	Overdue					
120 Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13-14, 16 and 22)
121 Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)					
122 Sudan	18 June 1986	E/1990/5/Add.41 (E/C.12/2000/SR.36 and 38-41)			Due 30 June 2003		
123 Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13 and 15-16)			Overdue		
124 Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
125 Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37-39)			Overdue		
126 Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
127 Tajikistan	4 April 1999	Overdue					
128 Thailand	5 December 1999	Due on 30 June 2002					
129 The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
130 Togo	24 August 1984	Overdue (Without report: E/C.12/2001/SR.19 and 25)					
131 Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	E/1990/6/Add.30 (Received 28 September 2000 - Pending consideration)		
132 Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (E/C.12/1999/SR.17-19)		
133 Turkmenistan	1 August 1997	Overdue					
134 Uganda	21 April 1987	Overdue					
135 Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (Withdrawn)

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
136. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/ Add.27-28 (E/C.12/1994/ SR.33-34 and 36-37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33-34 and 36-37)
137. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
138. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
139. Uzbekistan	28 December 1995	Overdue					
140. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12 and 17-18)	E/1990/6/Add.19 (E/C.12/2001/SR.3-5)		
141. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11)			Overdue		
142. Yemen	9 May 1987	Overdue					
143. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4 and 5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	E/1990/6/Add.22 (Withdrawn)	
144. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
145. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14)			Overdue		

Annex I (*continued*)

B. Third and fourth periodic reports

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
1. Afghanistan	24 April 1983		
2. Albania	4 January 1992		
3. Algeria	12 December 1989	Due on 30 June 2006	
4. Angola	10 April 1992		
5. Argentina	8 November 1986	Overdue	
6. Armenia	13 December 1993		
7. Australia	10 March 1976	E/1994/104/Add.22 (E/C.12/2000/SR.45-47)	Due on 30 June 2005
8. Austria	10 December 1978	Overdue	
9. Azerbaijan	13 November 1992		
10. Bangladesh	5 January 1999		
11. Barbados	3 January 1976		
12. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34-36)	Overdue
13. Belgium	21 July 1983	Due on 30 June 2005	
14. Benin	12 June 1992		
15. Bolivia	12 November 1982		
16. Bosnia and Herzegovina	6 March 1993		
17. Brazil	24 April 1992		
18. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30-32)	Overdue (Was due on 30 June 2001)
19. Burkina Faso	4 April 1999		
20. Burundi	9 August 1990		
21. Cambodia	26 August 1992		
22. Cameroon	27 September 1984		
23. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46-48)	Overdue
24. Cape Verde	6 November 1993		
25. Central African Republic	8 August 1981		

Annex I *(continued)*

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
26. Chad	9 September 1995		
27. Chile	3 January 1976	Overdue	
28. China	27 June 2001		
29. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.33 and 35)	E/C.12/4/Add.6 (E/C.12/2001/SR.63-64) Fifth periodic report due on 30 June 2006
30. Costa Rica	3 January 1976		
31. Côte d'Ivoire	26 June 1992		
32. Croatia	8 October 1991		
33. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34-36)	Overdue
34. Czech Republic	1 January 1993		
35. Democratic People's Republic of Korea	14 December 1981		
36. Democratic Republic of the Congo	1 February 1977		
37. Denmark***	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11-13)	Overdue
38. Dominica	17 September 1993		
39. Dominican Republic	4 April 1978	Overdue	
40. Ecuador	3 January 1976		
41. Egypt	14 April 1982		
42. El Salvador	29 February 1980		
43. Equatorial Guinea	25 December 1987		
44. Eritrea	17 July 2001		
45. Estonia	21 January 1992		
46. Ethiopia	11 September 1993		
47. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1996/SR.38 and 40)	E/C.12/4/Add.1 (E/C.12/2000/SR.61-63) Fifth periodic report due on 30 June 2005
48. France	4 February 1981	Due on 30 June 2006	
49. Gabon	21 April 1983		
50. Gambia	29 March 1979		
51. Georgia	3 August 1994		
52. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40-42)	E/C.12/4/Add.3 (E/C.12/2001/SR.48-49) Fifth periodic report due 30 June 2006
53. Ghana	7 December 2000		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
54. Greece	16 August 1985		
55. Grenada	6 December 1991		
56. Guatemala	19 August 1988		
57. Guinea	24 April 1978		
58. Guinea-Bissau	2 October 1992		
59. Guyana	15 May 1977		
60. Honduras	17 May 1981		
61. Hungary	3 January 1976	Overdue	
62. Iceland	22 November 1979	E/1994/104/Add.25 (Received on 8 October 2001 - Pending consideration)	
63. India	10 July 1979		
64. Iran (Islamic Republic of)	3 January 1976		
65. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33-35)	Overdue
66. Ireland	8 March 1990		
67. Israel	3 January 1992		
68. Italy	15 December 1978	E/1994/104/Add.19 (E/C.12/2000/SR.6-8)	
69. Jamaica	3 January 1976	Due on 30 June 2003	
70. Japan	21 September 1979	Due on 30 June 2006	
71. Jordan	3 January 1976	Due on 30 June 2003	
72. Kenya	3 January 1976		
73. Kuwait	31 August 1996		
74. Kyrgyzstan	7 January 1995		
75. Latvia	14 July 1992		
76. Lebanon	3 January 1976		
77. Lesotho	9 December 1992		
78. Libyan Arab Jamahiriya	3 January 1976		
79. Liechtenstein	10 March 1999		
80. Lithuania	20 February 1992		
81. Luxembourg	18 November 1983	E/1994/104/Add.24 (Received 13 July 2001 - Pending consideration)	
82. Madagascar	3 January 1976		
83. Malawi	22 March 1994		
84. Mali	3 January 1976		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
85. Malta	13 December 1990		
86. Mauritius	3 January 1976		
87. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44-46)	
88. Monaco	28 November 1997		
89. Mongolia	3 January 1976	E/1994/104/Add.21 (E/C.12/2000/SR.34-37)	Due on 30 June 2003
90. Morocco	3 August 1979	Due on 30 June 2004	
91. Namibia	28 February 1995		
92. Nepal	14 August 1991		
93. Netherlands	11 March 1979	Overdue	
94. New Zealand	28 March 1979		
95. Nicaragua	12 June 1980		
96. Niger	7 June 1986		
97. Nigeria	29 October 1993		
98. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34 and 36-37)	Overdue
99. Panama	8 June 1977	Due on 30 June 2004	
100. Paraguay	10 September 1992		
101. Peru	28 July 1978		
102. Philippines	3 January 1976		
103. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10-12)	E/C.12/4/Add.9 (Received on 12 April 2001 - Pending consideration)
104. Portugal	31 October 1978	E/1994/104/Add.20 (E/C.12/2000/SR.58-60)	Due on 30 June 2005
105. Republic of Korea	10 July 1990	Due on 30 June 2006	
106. Republic of Moldova	26 March 1993		
107. Republic of the Congo	5 January 1984		
108. Romania	3 January 1976	Overdue	
109. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11-14)	E/C.12/4/Add.10 (Received on 15 November 2001 - Pending consideration)
110. Rwanda	3 January 1976		
111. Saint Vincent and the Grenadines	9 February 1982		
112. San Marino	18 January 1986		
113. Senegal	13 May 1978	Due on 30 June 2003	
114. Seychelles	5 August 1982		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
115. Sierra Leone	23 November 1996		
116. Slovakia	28 May 1993		
117. Slovenia	6 July 1992		
118. Solomon Islands	17 March 1982		
119. Somalia	24 April 1990		
120. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3 and 5-7)	Overdue
121. Sri Lanka	11 September 1980		
122. Sudan	18 June 1986		
123. Suriname	28 March 1977		
124. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13 and 15-16)	E/C.12/4/Add.4 (E/C.12/2001/SR.61-62) Fifth periodic report due on 30 June 2006
125. Switzerland	18 September 1992		
126. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23 (E/C.12/2001/SR.34-35)	Due on 30 June 2006
127. Tajikistan	4 April 1999		
128. Thailand	5 December 1999		
129. The former Yugoslav Republic of Macedonia	17 September 1991		
130. Togo	24 August 1984		
131. Trinidad and Tobago	8 March 1979		
132. Tunisia	3 January 1976		
133. Turkmenistan	1 August 1997		
134. Uganda	*21 April 1987*		
135. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42 and 44-45)	E/C.12/4/Add.2 (E/C.12/2001/SR.40-41) Fifth periodic report due on 30 June 2006
136. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/Add.10 (Hong Kong) (E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38)	E/C.12/4/Add.5 (overseas territories) E/C.12/4/Add.7 (Crown territories) (Received 30 January 2001 - Pending consideration) E/C.12/4/Add.8 (Received 30 January 2001 - Pending consideration)
137. United Republic of Tanzania	11 September 1976		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
138. Uruguay	3 January 1976		
139. Uzbekistan	28 December 1995		
140. Venezuela	10 August 1978	Due on 30 June 2006	
141. Viet Nam	24 December 1982		
142. Yemen	9 May 1987		
143. Yugoslavia	3 January 1976	Due on 30 June 2002	
144. Zambia	10 July 1984		
145. Zimbabwe	13 August 1991		

* The Committee considered the initial report of China on the implementation of the Covenant in the Special Administrative Region of Hong Kong (E/1990/5/Add.43) at its twenty-fifth session (9th to 11th meetings).

** The Committee considered the situation in Kenya, without a report, at its eighth session (3rd meeting). It examined the initial report of Kenya (E/1990/5/Add.17) at its tenth session (12th meeting) and requested the State party to submit a new complete report by the end of 1994.

*** Fourth periodic report was due on 30 June 1999. At the request of the Government of Denmark, the Committee, at its twenty-first session (1999), decided to extend to 30 June 2001 the deadline for the submission of the fourth periodic report.

ANNEX II

Members of the Committee on Economic, Social and Cultural Rights

Name of member	*Country of nationality*	*Term expires on 31 December*
Mr. Mahmoud Samir AHMED	Egypt	2002
Mr. Clément ATANGANA	Cameroon	2002
Ms. Rocío BARAHONA-RIERA	Costa Rica	2004
Ms. Virginia BONOAN-DANDAN	Philippines	2002
Mr. Dumitru CEAUSU	Romania	2004
Mr. Abdessatar GRISSA	Tunisia	2004
Mr. Paul HUNT	New Zealand	2002
Mr. Valeri KOUZNETSOV	Russian Federation	2002
Mr. Giorgio MALINVERNI	Switzerland	2004
Mr. Jaime MARCHÁN ROMERO	Ecuador	2002
Mr. Sergei MARTYNOV	Belarus	2004
Mr. Ariranga Govindasamy PILLAY	Mauritius	2004
Mr. Kenneth Osborne RATTRAY	Jamaica	2004
Mr. Eibe RIEDEL	Germany	2002
Mr. Waleed M. SADI	Jordan	2004
Mr. Philippe TEXIER	France	2004
Mr. Nutan THAPALIA	Nepal	2002
Mr. Javier WIMER ZAMBRANO	Mexico	2002

ANNEX III

A. Agenda of the twenty-fifth session of the Committee on Economic, Social and Cultural Rights (23 April-11 May 2001)

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

6. Consideration of reports:

    (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

8. Relations with United Nations organs and other treaty bodies.

9. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

11. Miscellaneous matters.

B. Agenda of the twenty-sixth session of the Committee on Economic, Social and Cultural Rights (13-31 August 2001)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Miscellaneous matters.

C. Agenda of the twenty-seventh session of the Committee on Economic, Social and Cultural Rights (12-30 November 2001)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Adoption of the report.

10. Miscellaneous matters.

ANNEX IV

Letter dated 11 May 2001 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to the Permanent Representative of Israel to the United Nations Office at Geneva

The Committee on Economic, Social and Cultural Rights acknowledges with appreciation the receipt of additional information[a] to Israel's initial report[b] as requested by the Committee in its concluding observations.

However, the additional report was submitted beyond the date requested by the Committee and as a result the additional information could not be translated into the required working languages in time for its consideration on 4 May 2001 during the Committee's twenty-fifth session.

You will recall that, in its concluding observations in relation to the initial report of Israel, the Committee had requested the submission of additional information in time for its session in November-December 2000 (twenty-fourth session). The Committee wishes to emphasize that some of the additional information, in particular where it concerns the occupied territories, was requested in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations. The Committee therefore regrets that this current delay in submitting the additional information has resulted in another postponement of its consideration to the forthcoming twenty-sixth session of the Committee in August 2001.

The Committee reiterates the legal position shared by other treaty bodies that Israel's international treaty obligations, as with the International Covenant on Economic, Social and Cultural Rights, apply to territories within its internationally recognized borders as well as other areas under its jurisdiction and effective control, including Jerusalem, the West Bank and the Gaza Strip. The State party's argument that jurisdiction has been transferred to other parties is not valid from the perspective of the Covenant, particularly in view of Israel currently besieging all the Palestinian territories it occupied in 1967. In response to your letter of 19 April 2000, the Committee reaffirms the principle that political processes, domestic legislation, scarcity of resources or agreements with other parties do not absolve a State from its obligations to ensure the progressive realization of economic, social and cultural rights as provided for by the Covenant.

At its twenty-fifth session, the Committee had at its disposal a variety of recent reports, including those of the Human Rights Inquiry Commission established pursuant to Commission on Human Rights resolution S-5/1 of 19 October 2000 (E/CN.4/2001/121), of the Special Rapporteur of the Commission (E/CN.4/2001/30) and of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114), as well as the letter of 21 February 2001 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the High Commissioner (E/CN.4/2001/133). In light of these and other available reports, the Committee reiterates its deep concern over accounts that Israel's recent actions in the occupied territories in violation of international human rights law and humanitarian law have resulted in gross violations of the economic, social and cultural rights of Palestinians. The Committee regrets that the ongoing conflict has resulted in the loss of Palestinian and Israeli lives. It is particularly concerned about the lack of protection for Palestinian civilians in the occupied territories and the renewed maltreatment of Palestinian Arab citizens of Israel. Among a number of issues, the Committee expresses grave concern about the following situations, which have serious implications for the enjoyment of economic, social and cultural rights:

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[a] E/1989/5/Add.14.

[b] See *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 227-272.

- The violation of the Palestinian people's right to self-determination through the continuing occupation of East Jerusalem, the West Bank and Gaza Strip;

- The State party's continuing expropriation of Palestinian national resources, including land and aquifers, for exclusive Jewish control;

- The expropriation and devastation of vast areas of Palestinian lands by Israelis in the occupied territories resulting in grave hardships particularly for farmers and agricultural workers;

- Continued establishment and expansion of illegal Jewish settlements throughout the occupied territories of East Jerusalem, West Bank and Gaza Strip including those straddling the "green line";

- The destruction of Palestinian homes, mosques, churches, hospitals, public buildings, power plants and commercial establishments through various means including heavy weaponry;

- Closures imposed solely on Palestinians, impeding access to health care, education, economic activities pertaining to employment and livelihood, and to the integrity of the family and the right to take part in cultural life through religious expression;

- The prevention by the State party military and security forces of medical aid and personnel from ministering to injured Palestinians and the attack of clearly marked medical vehicles and personnel;

- Discrimination in law enforcement practices, including the disproportionate use of force and procedures against Palestinians in the occupied territories and Palestinian citizens of Israel.

The Committee welcomes the recent submission of additional information by Israel and appreciates this opportunity to address the situation of the Covenant within the territories of the State party. The Committee looks forward to a constructive dialogue with the delegation of the State party on 17 August 2001 when it considers the additional information already submitted.

(*Signed*): Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social
and Cultural Rights

ANNEX V

Letter dated 11 May 2001 from the Chairperson of the Committee on Economic, Social and Cultural Rights to the President of the Economic and Social Council

1. The voluminous material from United Nations sources (Commission on Human Rights mechanisms) and from non-governmental organizations - Adalah: Legal Centre for Arab Minority Rights in Israel (Israel); Badil Resource Centre for Palestinian Residency and Refugee Rights (Bethlehem, Palestine); Boston University Civil Litigation Program (United States of America); Habitat International Coalition, Housing and Land Rights Committee (Middle East/North Africa); LAW: The Palestinian Society for the Protection of Human Rights and the Environment (Jerusalem, Palestine); World Organization against Torture; Palestinian Centre for Human Rights (Gaza, Palestine) - made available to the Committee at its twenty-fifth session (23 April-11 May 2001) under the follow-up procedure with respect to its consideration of the initial report of Israel in 1998 - confirm that the present situation of the Palestinian population in the occupied territories of the West Bank, Jerusalem and the Gaza Strip is dire. In the light of the ongoing crisis and State party's continuing refusal to apply the International Covenant on Economic, Social and Cultural Rights to, and report on, the occupied territories, the Committee makes reference to rule 64 of its rules of procedure. This rule provides that the Committee may make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies in order to assist the Council in fulfilling, in particular, its responsibilities under articles 21 and 22 of the Covenant.

2. Accordingly, the Committee wishes to draw the attention of the Council to its self-explanatory letter addressed to the State party (see annex IV above) as well as to the nature of the situation relative to the monitoring functions of the Committee with respect to implementation of the International Covenant on Economic, Social and Cultural Rights in "crisis situations", which may require action by the Council under articles 21 and 22 of the Covenant:

(*a*) While discharging its monitoring and reporting functions, the Committee remains limited in the enforcement aspect required to maintain the integrity of the Covenant in such a situation;

(*b*) The "international measures likely to contribute to the effective progressive implementation of the Covenant" (art. 22), required to uphold the integrity of the Covenant in such a case, therefore fall within the purview of other bodies of the international system;

(*c*) In view of the Committee's responsibility to uphold the Covenant and effectively monitor the implementation of the rights recognized therein, the Committee would be remiss if it did not underscore the need for protection measures for the population in the occupied territories. The Committee adds its recognition of these facts as a matter of course in its monitoring work and, with particular reference to the tragic loss of life and limb, the senseless destruction of property and the deliberate starving and economic strangulation of the Palestinian people by the occupying Power;

(*d*) The Committee recognizes with special appreciation the recommendations of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 of the Commission on Human Rights, the Human Rights Inquiry Commission, the mission report of the United Nations High Commissioner for Human Rights and reliable information from other sources and eyewitness accounts; and notes that these recommendations for effective measures for protection and upholding human rights, in particular economic, social and cultural rights, remain outstanding.

(*Signed*): Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social
and Cultural Rights

ANNEX VI

Statement by the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Committee on Economic, Social and Cultural Rights

(17 August 2001, twenty-sixth session)

Unfortunately, while Israel has demonstrated an interest in engaging in a constructive dialogue with this Committee, and has invested considerable efforts in order to provide it with the requested additional information, as well as the submission of its second periodic report, one is left with the distinct impression that the negative approach towards Israel has become a pattern in the conduct of this Committee.

Furthermore, in light of the substantial differences of opinion between Israel and the Committee in regard to its mandate and the applicability of the Covenant with regard to the territories, it would seem not only appropriate, but imperative, that all controversial aspects be discussed in a comprehensive and thorough manner, as part of the consideration of Israel's second periodic report.

Further to Israel's legal position concerning the Covenant's applicability, as detailed in our letter of 3 May, I would like to take this opportunity to express Israel's dismay at several questionable procedural practices of this Committee, to which Israel has been subjected over these past years. They indicate a pattern of applying exceptional procedural practices and double standards towards Israel in contrast to the human rights treaty regime foundation of due process and the rule of law.

As I have already mentioned, Israel has made a candid effort to report regularly, and to engage in a professional dialogue on human rights with this Committee. Israel has premised its participation in the United Nations human rights treaty system on the expectation shared by all State parties, that the application of the legal standards by the treaty monitoring bodies would be in accordance with the fundamental principles of transparency, objectivity, due process and equal treatment. This trust in the members of the monitoring bodies to conduct themselves as independent experts operating through these essential guidelines has been, in our view, violated by the Committee on Economic, Social and Cultural Rights. I would like to highlight some recent actions taken by the Committee concerning Israel, which are reflective of this pattern of conduct.

As you may recall, when Israel's initial report was considered in 1998, the Committee in its concluding observations, requested additional information to be submitted prior to the submission of the next report. Furthermore, in its letter of 1 December 2000,[a] the Committee introduced new issues relating to the current violence in the region, which clearly could not possibly fall within the discussion of Israel's initial report and the additional information requested with respect to the initial report. This letter went far beyond scheduling timetables for the submission and consideration of additional information. It specifically detailed highly criticized and controversial "reports" in the form of statements of fact, without there having been any dialogue scheduled with Israel for that session. Most disturbingly, the new issues introduced in the letter, constituted a one-sided political statement, demonstrating prejudice on the part of the Committee.

It also set two deadlines, one for the receipt of the additional information by 1 March 2001 and the other for the submission of the second periodic report by 31 March 2001, specifically insisting that the information must be submitted and considered on separate occasions. Despite the fact that Israel indicated by a note verbale in early November 2000, that it would respond to the request for information in its second periodic report, expected to be available in early 2001, the Committee singled-out one of the issues in question, for consideration in May 2001. This is an obvious and blatant attempt to keep Israel regularly and frequently on its agenda. In addition, the Committee has heard oral submissions from non-governmental organizations concerning Israel, in the absence of a report from Israel having been scheduled for consideration. This is an unprecedented practice, inconsistent with the essence of the treaty monitoring system.

In December 1999 the Committee adopted "Follow-up procedures in relation to the consideration of reports", which delineated a step-by-step approach to be taken in the case of requests for additional information. These procedures in their application to Israel, were applied prior to their submission to the Economic and Social Council, for its consideration, quite contrary to the Committee's expected relationship with the Council according to its resolution 1985/17 of 28 May 1985.

The Committee's exceptional focus on Israel is all the more unjustified given the Committee's massive backlog of reports, and the numerous States which have failed to report at all. It certainly stood in marked contrast to the Committee's follow-up action with respect to the only similar situation at the time.

Ms. Anne Bayefsky recently submitted a report to the United Nations High Commissioner for Human Rights regarding the treaty system, which features an exhaustive examination of the treaty bodies procedures. Ms. Bayefsky pointed out that, in practice this so-called "follow-up" procedure has been used by the Committee simply as a means to place Israel on the agenda at any time it sees fit (*The UN Human Rights Treaty System: Universality at the Crossroads*, sect. 24, p. 79).

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[a] Letter from the Chairperson of the Committee addressed to the Permanent Representative of Israel to the United Nations Office at Geneva (*Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex X).

The Committee's pattern of conduct towards Israel stands in direct contrast to the principles of the treaty system which are founded on the expectation of a regular and equal consideration of every State party's compliance with the treaty. One can only question the true motivation behind the Committee's conduct towards Israel in this regard.

At its twenty-fifth session on 23 April 2001, while the Committee heard numerous oral submissions from non-governmental organizations on Israel's compliance with the Covenant, it did not consider the additional information which had been submitted by Israel on 20 April 2001 in response to the Committee's request. Instead, it then set a new date for consideration of the additional information, today, on 17 August, on the grounds that there was insufficient time for translation of Israel's additional information, although it was not deemed problematic to hear non-governmental organization reports on the same subject at the April session. In other words, the Committee heard oral submissions from non-governmental organizations about the State party, changed the date of the consideration of the State party's additional information and the discussion with the State party to the following session, and then reached substantive conclusions on the very subject about which the additional information had been requested.

Furthermore, in another historic first, having heard only from non-governmental organizations and not from the State party, the Committee's recommendations called for the substantive involvement in July 2001 of the Economic and Social Council in the matter and its participation in the Committee's condemnation of Israel, despite the fact that dialogue with the State party had been scheduled for 17 August 2001.

By such actions, the Committee on Economic, Social and Cultural Rights is prejudicing its prestige in the human rights treaty system. It has singled out one State for criticism without reviewing its reports or information, without engaging in a genuine constructive dialogue with it, and without following its own rules of procedure. This conduct, to which we are exposed in the political United Nations forums, such as the General Assembly, is completely unacceptable when exercised by a Committee whose mandate is human rights, and which not only claims to be a professional monitoring body, but is also explicitly required to act as such, by virtue of its very own mandate.

Economic and Social Council resolution 1985/17 explicitly requires that the members of the Committee be appointed as independent experts "with recognized competence in the field of human rights, serving in their personal capacity". However, the Committee's biased practices and its blatant disregard for the fundamental principles of due process cast serious doubts as to its alleged objectivity and capacity to engage in a constructive dialogue. Its discriminatory treatment of Israel, lack of bona fides and the use of double-standards stand in marked contrast to its mandate. The failure of this human rights treaty monitoring body to apply the Covenant within its mandate, in an apolitical and even-handed process, presents a direct challenge to the integrity of the treaty system.

In addition to the serious procedural reservations I have emphasized, I would like to conclude by reiterating Israel's reservation with regard to the Committee's handling of events in the West Bank and the Gaza Strip. It has consistently been Israel's position that consideration of questions of human rights in these territories is not within the mandate of the Committee, as such territories fall within the context of armed conflict and international humanitarian law. Furthermore, it is completely inconsistent with the changing reality on the ground, where, pursuant to the Israeli-Palestinian agreements, the overwhelming majority of powers and responsibilities in all civil spheres, including economic, social and cultural rights, as well as a variety of security issues, have been transferred to the Palestinians. Israel, thus, has neither the responsibility, nor the capability for reporting on human rights in these areas.

It is Israel's hope that the Committee engage both in an introspective reflection and in a constructive dialogue on all matters raised in this statement, in the hope that a discussion and consideration of Israel's second periodic report will indeed be apolitical, productive and forward-looking.

In view of what I have said, Israel does not intend to participate in the present session.

ANNEX VII

Poverty and the International Covenant on Economic, Social and Cultural Rights

Statement of the Committee on Economic, Social and Cultural Rights to the Third United Nations Conference on the Least Developed Countries*

1. In 1948, the Universal Declaration of Human Rights established that poverty is a human rights issue.[a] This view has been reaffirmed on numerous occasions by various United Nations bodies, including the General Assembly and Commission on Human Rights.[b] Although the term is not explicitly used in the International Covenant on Economic, Social and Cultural Rights,[c] poverty is one of the recurring themes in the Covenant and has always been one of the central concerns of the Committee. The rights to work, an adequate standard of living, housing, food, health and education, which lie at the heart of the Covenant, have a direct and immediate bearing upon the eradication of poverty. Moreover, the issue of poverty frequently arises in the course of the Committee's constructive dialogue with States parties. In the light of experience gained over many years, including the examination of numerous reports of States parties, the Committee holds the firm view that poverty constitutes a denial of human rights.

2. Accordingly, the Committee warmly welcomes the renewed commitment of a number of States and international organizations to the policy objective of poverty eradication, as well as related policy goals such as the elimination of social exclusion. The Committee regrets, however, that the "human rights" dimensions of poverty eradication policies rarely receive the attention they deserve. This neglect is especially regrettable because a human rights approach to poverty can reinforce anti-poverty strategies and make them more effective.

3. The present statement is aimed at encouraging the integration of human rights into poverty eradication policies by outlining how human rights generally, and the Covenant in particular, can empower the poor and enhance anti-poverty strategies. It is not sought in this statement to formulate a detailed anti-poverty programme or plan of action, but to identify concisely the distinctive contribution of international human rights to poverty eradication. The

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* Adopted at the twenty-fifth session (20th meeting), 4 May 2001.

[a] The preamble to the Universal Declaration and the common preamble to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights emphasize the importance of "freedom from ... want".

[b] For example, see General Assembly resolution 55/106 of 4 December 2000 and Commission on Human Rights resolution 2001/31 of 23 April 2001.

[c] The term "poverty" is not found in any of the major international human rights instruments. For a recent United Nations study of the links between human rights, development and poverty, see *Human Development Report 2000: Human Rights and Human Development*, published for the United Nations Development Programme by Oxford University Press (New York, 2000).

preparation of operational anti-poverty programmes is a separate undertaking of the first importance which all actors should pursue as a matter of urgency and with due regard to international human rights.

Scale and nature of the problem

4. The President of the World Bank recently wrote:

> Poverty remains a global problem of huge proportions. Of the world's 6 billion people, 2.8 billion live on less than $2 a day, and 1.2 billion on less than $1 a day. Six infants of every 100 do not see their first birthday, and 8 do not survive to their fifth. Of those who do reach school age, 9 boys in 100, and 14 girls, do not go to primary school.[d]

While statistics do not provide a complete understanding of poverty, these shocking figures signify massive and systemic breaches of the Universal Declaration of Human Rights, of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other international human rights instruments.

5. Poverty is not confined to developing countries and societies in transition, it is a global phenomenon experienced in varying degrees by all States. Many developed States have impoverished groups, such as minorities or indigenous peoples, within their jurisdictions. Also, within many rich countries there are rural and urban areas where people live in appalling conditions - pockets of poverty amid wealth. In all States, women and girls bear a disproportionate burden of poverty, and children growing up in poverty are often permanently disadvantaged. In the Committee's view, the greater empowerment of women in particular is an essential precondition for the eradication of global poverty.

6. While the common theme underlying poor people's experiences is one of powerlessness,[e] human rights can empower individuals and communities. The challenge is to connect the powerless with the empowering potential of human rights. Although human rights are not a panacea, they can help to equalize the distribution and exercise of power within and between societies.

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[d] World Bank, *World Development Report 2000/2001: Attacking Poverty* (Oxford University Press, New York, 2001).

[e] For example, see Deepa Narayan et al., *Voices of the Poor: Can Anyone Hear Us?* (published for the World Bank by Oxford University Press, New York, 2000).

Definitions

7. In the recent past, poverty was often defined as insufficient income to buy a minimum basket of goods and services. Today, the term is usually understood more broadly as the lack of basic capabilities to live in dignity. This definition recognizes poverty's broader features, such as hunger, poor education, discrimination, vulnerability and social exclusion.[f] The Committee notes that this understanding of poverty corresponds with numerous provisions of the International Covenant on Economic, Social and Cultural Rights.

8. In the light of the International Bill of Rights, poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. While acknowledging that there is no universally accepted definition, the Committee endorses this multidimensional understanding of poverty, which reflects the indivisible and interdependent nature of all human rights.

The international human rights normative framework

9. International human rights provide a framework of norms or rules upon which detailed global, national and community-level poverty eradication policies can be constructed. While poverty raises complex multisectoral issues that are not amenable to simple solutions, the application of the international human rights normative framework to these issues helps to ensure that essential elements of anti-poverty strategies such as non-discrimination, equality, participation and accountability receive the sustained attention they deserve. In this context, the Committee wishes to briefly highlight three features of the international human rights normative framework.

10. First, the normative framework encompasses the entire range of civil, cultural, economic, political and social rights, and the right to development. While the rights enumerated in the Covenant, such as the right to an adequate standard of living, are of central importance to the poor, the Committee emphasizes that all civil and political rights, as well as the right to development, are also indispensable to those living in poverty.[g] Because of its mandate,

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[f] According to chapter II, paragraph 19, "Eradication of poverty", of the Programme of Action of the World Summit for Social Development (*Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II): "Poverty has various manifestations including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life."

[g] Consistent with part I, paragraph 5, of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in July 1993 (A/CONF.157/24 (Part I), chap. III): "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."

expertise and experience, the Committee gives particular attention to the economic, social and cultural rights dimensions of anti-poverty strategies, but all rights are equally important as a means of ensuring that all people can live in freedom and dignity.

11. Second, non-discrimination and equality are integral elements of the normative framework, including the Covenant. Sometimes poverty arises when people have no access to existing resources because of who they are, what they believe or where they live. Discrimination may cause poverty, just as poverty may cause discrimination. Inequality may be entrenched in institutions and deeply rooted in social values that shape relationships within households and communities. Accordingly, the international norms of non-discrimination and equality, which demand that particular attention be given to vulnerable groups and individuals from such groups, have profound implications for anti-poverty strategies.

12. Third, the normative framework includes the right of those affected by key decisions to participate in the relevant decision-making processes. The right to participate is reflected in numerous international instruments, including the Covenant and the Declaration on the Right to Development.[h] In the Committee's experience, a policy or programme that is formulated without the active and informed participation of those affected is most unlikely to be effective. Although free and fair elections are a crucial component of the right to participate, they are not enough to ensure that those living in poverty enjoy the right to participate in key decisions affecting their lives.

13. In conclusion, anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based on international human rights. For this to occur, human rights need to be taken into account in all relevant policy-making processes.[i] Thus, there is a need for appropriately trained officials operating good processes informed by reliable, disaggregated data.

Obligations and accountability

14. The Covenant empowers the poor by granting them rights and imposing legal obligations on others, such as States. Critically, rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window dressing. Accordingly, the human rights approach to poverty emphasizes obligations and requires that all duty-holders, including States and international organizations, are held to account for their conduct in relation to international human rights law. In its General Comment No. 9 (1998) on domestic application of the Covenant, the Committee remarked upon mechanisms of legal

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[h] See article 13, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966 (resolution 2200 A (XXI), annex) and article 2, paragraph 3, of the Declaration on the Right to Development, adopted by the Assembly on 4 December 1986 (resolution 41/128).

[i] See statement of the Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization, Seattle, 30 November- 3 December 1999 (*Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex VII).

accountability for State parties. As for other duty-holders, they must determine which accountability mechanisms are most appropriate in their particular case. However, whatever the mechanisms of accountability, they must be accessible, transparent and effective.[j]

Core obligations: national and international responsibilities

15. According to the Covenant, article 2, paragraph 1, the enumerated rights are subject to resource availability and may be realized progressively. However, paragraph 10 of General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), confirms that State parties have a "core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights" enunciated in the Covenant. As the Committee observes, without such a core obligation, the Covenant "would be largely deprived of its raison d'être".

16. More recently, the Committee began to identify the core obligations arising from the "minimum essential levels" of the rights to food, education and health (General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant), No. 13 (1999) and No. 14 (2000), respectively), and it confirmed, in its General Comment No. 14 (2000) (sect. III, para. 47) that these core obligations are "non-derogable". In this General Comment (sect. II, para. 45), the Committee emphasizes that it is incumbent on all those in a position to assist, to provide "international assistance and cooperation, especially economic and technical" to enable developing countries to fulfil their core obligations.[k] In short, core obligations give rise to national responsibilities for all States and international responsibilities for developed States, as well as others that are "in a position to assist".

17. Thus, the core obligations of economic, social and cultural rights have a crucial role to play in national and international developmental policies, including anti-poverty strategies. When grouped together, the core obligations establish an international minimum threshold that all developmental policies should be designed to respect. In accordance with the Committee's General Comment No. 14 (2000), it is incumbent on all those who can assist, to help developing countries respect this international minimum threshold. If a national or international anti-poverty strategy does not reflect this minimum threshold, it is inconsistent with the legally binding obligations of the State party.

18. To avoid any misunderstanding, the Committee wishes to emphasize three points. First, because core obligations are non-derogable, they continue to exist in situations of conflict, emergency and natural disaster. Second, because poverty is a global phenomenon, core obligations have great relevance to some individuals and communities living in the richest

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[j] For the Committee's remarks on the obligations of actors other than States parties, see, in particular, section III of General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant) and section V of General Comment No. 14 (2000) on the highest attainable standard of health (art. 12 of the Covenant); also paras. 20 and 38-41 of its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant).

[k] The Covenant refers to "international assistance and cooperation", or similar formulations, in article 2, paragraph 1, article 11, paragraph 2, article 15, paragraph 4, and articles 22 and 23.

States. Third, after a State party has ensured the core obligations of economic, social and cultural rights, it continues to have an obligation to move as expeditiously and effectively as possible towards the full realization of all the rights in the Covenant.

Conclusion

19. The Committee strongly recommends the integration of international human rights norms into participatory, multisectoral national poverty eradication or reduction plans.[l] Such anti-poverty plans have an indispensable role to play in all States, no matter what their stage of economic development.

20. Non-State actors, including international organizations, national human rights institutions, civil society organizations and private businesses, also have heavy responsibilities in the struggle against poverty. Each should clearly identify how it can contribute to poverty eradication, keeping in mind the human rights dimensions of poverty as outlined in this statement.

21. The Committee is deeply aware that there are structural obstacles to the eradication of poverty in developing countries. Through its various activities, including the reporting process and the adoption of general comments, the Committee attempts to assist developing States by identifying measures that they can and should take to address these obstacles. However, some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order. In the Committee's view, it is imperative that measures be urgently taken to remove these global structural obstacles - such as unsustainable foreign debt, the widening gap between rich and poor and the absence of an equitable multilateral trade, investment and financial system - otherwise the national anti-poverty strategies of some States have a limited chance of sustainable success. In this regard, the Committee notes article 28 of the Universal Declaration of Human Rights,[m] as well as the Declaration on the Right to Development, in particular article 3, paragraph 3.[n]

22. So far as its resources and other responsibilities permit, the Committee continues to prepare additional general comments that clarify the normative content of economic, social and cultural rights, including their core obligations, and invites all parties to assist in this important and challenging task.

23. Conscious of their far-reaching importance, the Committee confirms its willingness to discuss the issues identified in this statement with all those committed to the eradication of poverty.

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[l] Such as those anticipated by the World Summit for Social Development and the more recent enhanced Heavily Indebted Poor Countries Initiative. For a recent examination of national poverty eradication plans see: United Nations Development Programme, *Poverty Report 2000. Overcoming Human Poverty*.

[m] "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

[n] "States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development […]".

ANNEX VIII

Letter dated 28 March 2001 addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to the Chairperson of the Intergovernmental Preparatory Committee for the Third United Nations Conference on the Least Developed Countries, Mr. Jacques Scavée

The International Covenant on Economic, Social and Cultural Rights has been ratified by 32 of the 48 States currently designated by the United Nations as "least developed countries". The Covenant, which has been ratified by 144 States, also has implications for richer countries in their relations with least developed countries. Further, while the Covenant primarily imposes obligations on states, it has serious implications for non-State actors, including international organizations, in their dealings with least developed countries.

This letter does not attempt to address all aspects of the relationship between the Covenant and least developed countries. Instead, it highlights one feature of the Covenant that has a particular bearing on least developed countries: the Covenant's contribution to the eradication of poverty. Based on the long experience of the Committee on Economic, Social and Cultural Rights, the following brief remarks signal how human rights generally, and the Covenant in particular, can empower the poor and enhance anti-poverty strategies:

(*a*) While the common theme underlying poor people's experience is one of powerlessness, human rights can empower individuals and communities. The challenge is to connect these individuals and communities with the empowering potential of human rights. Crucially, human rights can help to equalize the distribution and exercise of power within and between societies;

(*b*) Although the term is not explicitly used in the Covenant, poverty is one of the recurring themes in the Covenant and has always been one of the central concerns of the Committee. The rights to an adequate standard of living, adequate shelter, food, health and education lie at the heart of the Covenant - and they also have a direct and immediate bearing upon the eradication of poverty. In short, poverty is a human rights issue;

(*c*) Non-discrimination and equality are integral elements of the Covenant, as well as other international human rights instruments. Discrimination may cause poverty, just as poverty may cause discrimination. Inequality may be entrenched in institutions and rooted in social values. Thus, the international norms of non-discrimination and equality, which demand that particular attention be given to vulnerable individuals and communities, have profound implications for all anti-poverty strategies;

(*d*) The right to participate is reflected in numerous international instruments, including the Covenant, and in the Declaration on the Right to Development.[a] In the Committee's experience, a policy or programme that is formulated without the active and informed participation of those affected is most unlikely to be effective;

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[a] General Assembly resolution 41/128 of 4 December 1986, annex.

(*e*) Critically, rights - and the obligations or duties that flow from them - demand accountability. Unless supported by a system of accountability, rights and obligations can become no more than window-dressing. The human rights approach to poverty emphasizes obligations and requires that all duty-holders, including States and international organizations, are held to account for their conduct in relation to international human rights law;

(*f*) Some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order. In the Committee's view, it is imperative that measures be urgently taken to remove these global structural obstacles, otherwise the national anti-poverty strategies of developing States have limited chance of sustainable success. Further, given the reference to "international assistance and cooperation, especially economic and technical" in article 2, paragraph 1, of the Covenant, as well as other provisions of international law, the Committee is of the firm opinion that it is incumbent on all States and non-State actors that are in a position to assist, to help developing countries fulfil their obligations under the Covenant;

(*g*) Anti-poverty policies that are based upon international human rights are more likely to be effective, durable, inclusive, equitable and meaningful to those living in poverty. Accordingly, human rights need to be taken into account in all relevant national and international policy-making processes. The Committee strongly recommends the integration of international human rights norms into participatory, multisectoral poverty eradication or reduction plans, such as those anticipated by the enhanced Heavily Indebted Poor Countries Initiative;

(*h*) In summary, the Covenant and other international human rights instruments provide a framework of norms or rules upon which detailed global, national and community-level poverty eradication policies can be constructed. While poverty raises complex multisectoral issues that are not amenable to simple solutions, the application of the international human rights normative framework to these issues helps to ensure that essential elements of anti-poverty strategies, such as non-discrimination, equality, participation, and accountability receive the sustained attention they deserve.

Presently, the Committee is formulating a statement on the relationship between poverty and the Covenant. I am confident that this statement will be adopted by the Committee at its forthcoming session (23 April-11 May) and I look forward to bringing it to the attention of participants at the Third Conference on the Least Developed Countries in Brussels.

I would be most grateful if this letter were made available to all participants at next week's Intergovernmental Preparatory Committee for the Third United Nations Conference on the Least Developed Countries.

(*Signed*): Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social
and Cultural Rights

ANNEX IX

A. Letter dated 5 July 2001 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to the United Nations High Commissioner for Human Rights

I am writing today as a follow-up to our discussions on the need for the development of Office of the United Nations High Commissioner for Human Rights guidelines on technical cooperation for the integration of human rights in national poverty reduction strategies and Poverty Reduction Strategy Papers. The fruitful meeting hosted by the Office of the High Commissioner on Saturday 23 June 2001 has certainly helped to advance the process by allowing us to clarify our approach, survey the substantive issues at stake and formulate a process and a work programme for the important task ahead. Your personal attendance at the meeting, the strong endorsement that you gave the initiative, and your suggestion of the possibility of a major policy statement on the matter in six months were highly appreciated by all of us. May I add that I share entirely your understanding that this undertaking represents an important and concrete response by the human rights community to the agenda of developing countries themselves, in particular the least developed countries.

The Committee on Economic, Social and Cultural Rights, like the Commission on Human Rights, has long encouraged the Office of the High Commissioner to develop further its advisory capacities and programmes in the fields of development and economic, social and cultural rights. As you are aware, the Committee has recently issued its Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, in which the Committee underlines that international human rights provide a framework of norms or rules upon which detailed global, national and community-level poverty eradication policies can be constructed. To quote from that statement:

> While poverty raises complex multisectoral issues that are not amenable to simple solutions, the application of the international human rights normative framework to these issues helps to ensure that essential elements of anti-poverty strategies, such as non-discrimination, equality, participation and accountability receive the sustained attention they deserve (annex VII above, para. 9).

As you will also recall, at a special meeting held by the Committee in Geneva on 7 May 2001, during which we examined the role of economic, social and cultural rights in the development activities of international institutions, members of the Committee underscored the importance of technical assistance to States parties in supporting their efforts to integrate human rights (including the rights contained in the Covenant) in national poverty reduction strategies and Poverty Reduction Strategy Papers. We were specially gratified by your subsequent reference to this point in your statement to the Third United Nations Conference on the Least Developed Countries, held in Brussels on 14 May 2001, and your pledge there to organize in the near future a workshop to identify, in very precise and practical terms, how to integrate human rights into poverty reduction strategies and programmes, and to encourage States to seek technical advice and assistance regarding the integration of human rights into their poverty reduction strategies and programmes.

In order that the United Nations human rights programmes, and the Office of the High Commissioner in particular, may be better prepared to respond to requests from States for advice in this area and, as agreed at our meeting of last Saturday, we believe that the Office of the High Commissioner, with the support of the Committee and other relevant actors, should first develop substantive guidelines on advisory services and technical assistance to States on integrating human rights in national poverty reduction strategies, including Poverty Reduction Strategy Papers. To these ends, we would like to encourage the Office of the High Commissioner to develop and implement a project for the preparation and use of such guidelines, and to offer our support in that endeavour. I believe that the important conceptual work already undertaken by your Office in this area, together with the recommendations of the Committee and those of the Commission and its mechanisms, provide a strong starting point for the project. Based on our consultations, we would see this as a multi-stage project of the Office of the High Commissioner, which would begin with the drafting of an annotated outline and proceed through consultation, drafting, a review workshop, subsequent revision, adoption by the Office of the High Commissioner, piloting in selected countries and broad dissemination and use.

Were the process to begin immediately, we believe that draft guidelines could be ready for public launching during your participation at the International Conference on Financing for Development in Mexico in March 2002. While the principal purpose of the guidelines would be to form the basis for the Office of the High Commissioner's technical cooperation with countries in this area, at their request, the guidelines would undoubtedly serve a much broader purpose, in informing development partners and the international community of the specific requirements, concerns and values of a human rights approach to poverty eradication.

I look forward to discussing the matter further with you, at your earliest convenience and to working with the Office of the High Commissioner on seeing the project through to its important conclusion.

(*Signed*): Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social
and Cultural Rights

B. Letter dated 25 July 2001 from the United Nations High Commissioner for Human Rights addressed to the Chairperson of the Committee on Economic, Social and Cultural Rights

Thank you for your letter dated 5 July 2001, in which you encourage the Office of the United Nations High Commissioner for Human Rights to develop, with the support of the Committee on Economic, Social and Cultural Rights, substantive guidelines to assist States in the practical task of integrating human rights into poverty reduction strategies, including Poverty Reduction Strategy Papers.

As you know, I fully share the Committee's view that international human rights provide a framework of norms upon which poverty eradication policies can be constructed, and I welcomed the Committee's recent Statement on poverty and the International Covenant on Economic, Social and Cultural Rights. I believe that this approach must be central to the international community's commitment to eliminate poverty, as expressed in the Millennium Declaration adopted by the General Assembly in September 2000.

The Office of the High Commissioner looks forward to undertaking this project, working with the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as with the assistance of specialist consultants and with support from members of the Committee.

The project, as you present it and as I understand it, is complex, and requires both understanding of human rights principles and development policies, and knowledge of the evolving operational experience in designing and executing poverty reduction strategies. To be successful, the importance of the project needs to be equally recognized by the human rights community, by national authorities, and by those international agencies who are active in the design and implementation of national strategies.

For all these reasons, I believe that the project should have a realistic time frame, and that its design should allow for genuine consultation with and participation by national officials and international development agencies, including the World Bank. I recognize that this means that guidelines, or even guiding principles, are unlikely to be completed by March 2002, when the International Conference on Financing for Development takes place in Mexico.

I look forward to further discussions as this important project develops.

(*Signed*): Mary Robinson
United Nations High Commissioner
for Human Rights

ANNEX X

Letter dated 8 November 2001 from the Assistant Director-General for Education, UNESCO, addressed to the Chairperson of the Committee on Economic, Social and Cultural Rights, regarding the UNESCO Executive Board's decision

Pursuant to my letter dated 21 June 2001, I have the pleasure to inform you that the recommendation of the Committee on Conventions and Recommendations for the creation of a joint UNESCO/Committee on Economic, Social and Cultural Rights expert group on the right to education was approved by the Executive Board at its 162nd session.[a] I am attaching a copy of the text of the decision [...]

You will appreciate that this decision is essentially in line with the proposal you had made during the dialogue with the Committee on Conventions and Recommendations which was organized on 21 May 2001 at UNESCO Headquarters on monitoring the right to education.

I am sure, the Committee on Economic, Social and Cultural Rights will welcome this decision. The UNESCO Executive Board is looking forward to the approval of the Economic and Social Council for the creation of this joint expert group so that the necessary measures can be taken to operationalize it and thereby impart greater synergy to our common and soon-to-be institutionalized endeavour for the realization of the right to education in all its dimensions.

(*Signed*): John Daniel
Assistant Director-General
for Education

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[a] In paragraph 5 of its decision 162 EX/5.4, the Executive Board of UNESCO defines the mandate and composition of the Joint Expert Group as follows:

"Terms of reference

"(*a*) Formulate practical suggestions for strengthening the growing collaboration between UNESCO (Committee on Conventions and Recommendations) and (the Economic and Social Council) (Committee on Economic, Social and Cultural Rights) for the purpose of monitoring and promoting the right to education in all its dimensions;

"(*b*) Suggest specific measures for cooperative action by the two bodies with a view to imparting synergy to the follow-up to the Dakar Framework for Action within the United Nations system;

"(*c*) Consider the possibilities for reducing the reporting burden on States in relation to the right to education and identify ways in which arrangements could be both streamlined and made more effective;

"(*d*) Advise on right to education indicators.

"Composition

"The [...] Joint Expert Group shall be composed of two representatives of the Committee on Economic, Social and Cultural Rights nominated by its Chairperson and two representatives of the Committee on Conventions and Recommendations (CR), nominated by the Chairperson of the Executive Board of UNESCO in consultation with the Chairperson of CR."

ANNEX XI

Statement of the Committee on Economic, Social and Cultural Rights* to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6 to 8 June 2001)

1. On 6 December 1995, the Committee on Economic, Social and Cultural Rights submitted a statement[a] to the United Nations Conference on Human Settlements (Habitat II), in which it recalled the recognition of the right to adequate housing by numerous United Nations organs and bodies - including the General Assembly, the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights, and the Office of the United Nations High Commissioner for Human Rights - since its inclusion in article 25, paragraph 1, of the Universal Declaration of Human Rights, as well as in article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights. The latter states: "The States Parties to the … Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing".

2. The Committee has adopted two general comments regarding the right to adequate housing, which are based on its consideration of reports submitted by States parties to the Covenant, as well as on information emanating from United Nations organs and bodies, and other governmental and non-governmental sources. General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant), adopted at the sixth session of the Committee, aims to provide a normative interpretation of housing as a human right. General Comment No. 7 (1997) on forced evictions, adopted at the sixteenth session of the Committee, focuses specifically on forced evictions as a violation of human rights, as reaffirmed also in Commission on Human Rights resolution 1993/77 of 10 March 1993.

3. The Committee emphasizes its view that the right to adequate housing is a justiciable and enforceable right, and that many elements constituting this right are already the subject of domestic remedies in most of the States parties of the Covenant. Case law concerning housing rights mostly relate to judicial remedies against evictions or demolition; applications for compensation or rehousing following illegal eviction; judicial actions against discriminatory measures in the area of housing; complaints against owners concerning health hazards or inadequate housing, or excessive rent; and judicial actions concerning land ownership.[b] This case law confirms the legal status of the right to adequate housing.

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* Adopted at the twenty-fifth session of the Committee.

[a] *Official Records of the Economic and Social Council, 1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), annex VIII.

[b] Ibid., para. 13.

4. The Committee reaffirms its conviction that the realization of the right to adequate housing is closely linked to the realization of other human rights in the Covenant, as expressed by the principle of the interdependence, indivisibility and interrelatedness of all human rights.

5. In this context, the Committee expresses its support for the position of the Commission on Human Rights' Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, which he expressed as follows in his report to the fifty-seventh session of the Commission:

> [I]t is the intention of the Special Rapporteur to promote greater realization and operationalization of the right to adequate housing through a constructive approach, by closing the gap between legal recognition and practice and seeking solutions to the grave housing and living conditions found globally (E/CN.4/2001/51, p. 3).

6. The Committee is particularly concerned that, in the draft declaration on cities and other human settlements in the new millennium (A/S-25/2, decision 2/1 of the Commission on Human Settlements established as the Preparatory Committee for the special session of the General Assembly), there is no reference to the International Covenant on Economic, Social and Cultural Rights, to the Committee on Economic, Social and Cultural Rights, to its relevant General Comments, nor to the right to adequate housing. Such an omission would seriously undermine achievements made over the last decade at the national and international level in promoting the right to adequate housing, and would constitute a step backwards from the recognition of human rights in the 1996 Habitat Agenda.

7. The Committee notes that, in its extensive experience since 1986 in monitoring State compliance with the Covenant, none of the 144 States parties have challenged the recognition by the Committee of a distinct right to adequate housing, which is formally recognized in the constitutions and domestic legislation of many States.

8. The Committee calls upon the Governments participating in the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) to maintain conformity with other United Nations documents concerning housing, including the Habitat Agenda itself, which clearly reflect the principles and provisions of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and to reaffirm explicitly that the right to adequate housing is a fundamental human right.

ANNEX XII

Statement of the Committee on Economic, Social and Cultural Rights* to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination

1. The Committee on Economic, Social and Cultural Rights has the pleasure of submitting the present statement to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination, being held in Madrid from 23 to 25 November 2001.

2. In compliance with requests by the General Assembly and the Commission on Human Rights, the Committee actively contributed to the preparatory process leading up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and made recommendations concerning the draft declaration and programme of action.

3. The Committee's contributions to the World Conference consisted of two general comments relating to the right to education, namely General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the International Covenant on Economic, Social and Cultural Rights) and No. 13 (1999) on the right to education (art. 13 of the Covenant).

4. In its submission to the first session of the Preparatory Committee for the World Conference, the Committee focused on the right to education as set forth in articles 13 and 14 of the Covenant, as it is universally recognized that education has a pivotal role to play in the struggle against racism and related intolerance.[a] This position has also been taken by the General Assembly,[b] by the Commission on Human Rights (in a report of its Open-ended working group to review and formulate proposals for the World Conference[c]) and by the Committee on the Elimination of Racial Discrimination.

5. The Committee invites the attention of the International Consultative Conference to those sections of article 13 of the Covenant and its General Comment No. 13 (1999) which explicitly bear upon racism and racial discrimination and as set forth in its submission to the preparatory process of the World Conference:

(*a*) Article 13, paragraph 1, of the Covenant, setting out the aims and objectives of education, declares that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms". Further, "education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups";

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* Adopted at the twenty-seventh session on 12 November 2001.

[a] See A/CONF.189/PC.1/14, para. 3.

[b] See General Assembly resolution 53/132 of 9 December 1998.

[c] E/CN.4/1999/16 and Corr.1 and 2.

(*b*) "The prohibition against discrimination enshrined in article 2, paragraph 2, is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination" (General Comment No. 13 (1999), para. 31);

(*c*) "The adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved" (ibid., para. 32);

(*d*) "States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination" (ibid., para. 37);

(*e*) "[T]he form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents ... subject to the educational objectives required by article 13, paragraph 1, and such minimum educational standards as may be approved by the State" (ibid., para. 6 (*c*));

(*f*) "[E]ducation has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings" (ibid., para. 6 (*d*));

(*g*) "Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community" (ibid., para. 9; the General Comment quotes from the World Declaration on Education for All, adopted by the World Conference on Education for All, held in Jomtien, Thailand, in 1990);

(*h*) The requirement in article 13, paragraph 2, that "an adequate fellowship system shall be established" should be read with the Covenant's non-discrimination and equality provisions; the fellowship system "should enhance equality of educational access for individuals from disadvantaged groups" (ibid., para. 26);

(*i*) "Given the principles of non-discrimination, equal opportunity and effective participation in society for all, the State has an obligation to ensure that the liberty [to establish private educational institutions] does not lead to extreme disparities of educational opportunity for some groups in society" (ibid., para. 30).

6. In conclusion, the Committee reaffirms the opening words of its General Comment No. 13 (1999): "Education is both a human right in itself and indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities". Education is one of the most powerful tools by which the world can overcome racism, racial discrimination, xenophobia and related intolerance. Thus, an essential strategy for the elimination of discrimination is a renewed commitment, supported by the necessary resources, to realize the right to education as enshrined in the International Covenant on Economic, Social and Cultural Rights.

ANNEX XIII

Statement by the Committee on Economic, Social and Cultural Rights on human rights and intellectual property*

Introduction

1. The Committee on Economic, Social and Cultural Rights recognizes the broad significance of the creation, ownership and control of intellectual property in a knowledge-based economy and the means that it can afford for promoting or inhibiting the enjoyment of human rights, in particular the rights under the International Covenant on Economic, Social and Cultural Rights. The allocation of rights over intellectual property has significant economic, social and cultural consequences that can affect the enjoyment of human rights. The contemporary importance of intellectual property for human rights reflects two developments. The first is the expansion of the areas covered by intellectual property regimes to include, for example, patenting of biological entities, copyright print protections in the digital domain, and private intellectual property claims with respect to cultural heritage and traditional knowledge. The second is the emergence of universal rules on intellectual property protection in the global trading system.

2. The Committee has resolved to prepare and adopt, as soon as possible, a general comment on intellectual property and human rights. The Committee, however, has decided to adopt this statement as its preliminary contribution to the rapidly evolving debate on intellectual property, which remains high on the international agenda. The statement aims only to identify some of the key human rights principles deriving from the Covenant that are required to be taken into account in the development, interpretation and implementation of contemporary intellectual property regimes. These basic principles will be further refined, elaborated and applied in the Committee's forthcoming general comment on intellectual property and human rights.[a]

3. The principles set out in the present statement apply equally to national legislation and international rules and policies concerning intellectual property protection. In particular, the Committee draws attention to the various intellectual property treaties administered by the World Intellectual Property Organization (WIPO), as well as the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) of the World Trade Organization, which set out minimum standards for the protection and enforcement of intellectual property rights. Reference could also be made to relevant articles of other treaties, such as the 1992 Convention on Biological Diversity. In this regard, the Committee recalls previous statements it has made in which it emphasized that the realms of trade, finance and

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[*] Adopted at the twenty-seventh session (79th meeting), 26 November 2001.

[a] On 27 November 2000, the Committee held a day of general discussion on article 15, paragraph 1 (*c*), of the Covenant on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author, which formed a basis for the Committee's drafting of a general comment.

investment are in no way exempt from human rights principles and that "international organizations with specific responsibilities in those areas should play a positive and constructive role in relation to human rights".[b]

4. Article 15, paragraph 1 (*c*), of the Covenant, together with article 27 of the Universal Declaration on Human Rights, requires the protection of the moral and material interests of authors in their works. The Committee considers that these intellectual property rights must be balanced with the right to take part in cultural life (art. 15, para. 1 (*a*), of the Covenant) and to enjoy the benefits of scientific progress and its applications (para. 1 (*b*)). Moreover, article 15, paragraph 2, of the Covenant requires that States parties undertake steps necessary for the conservation, development and diffusion of science and culture. To be consistent with a human rights-based approach, intellectual property regimes should be conducive to realizing these goals. The Committee therefore encourages the development of intellectual property systems and the use of intellectual property rights in a balanced manner that meets the objective of providing protection for the moral and material interests of authors, and at the same time promotes the enjoyment of these and other human rights. Ultimately, intellectual property is a social product and has a social function. The end which intellectual property protection should serve is the objective of human well-being, to which international human rights instruments give legal expression.

Universality, indivisibility and interdependence of human rights

5. Human rights derive from the inherent dignity and worth of all persons, with the human person as the central subject and primary beneficiary of human rights.[c] The moral and legal guarantees of fundamental freedoms, protections and entitlements both derive from and support people's self-respect and dignity. Consequently, the entire range of civil, cultural, economic, political and social rights, as well as the right to development, are relevant to intellectual property systems. To be consistent with obligations to respect international human rights, intellectual property regimes must promote and protect all human rights, including the full range of rights guaranteed in the Covenant.

6. The fact that the human person is the central subject and primary beneficiary of human rights distinguishes human rights - including the right of authors to the moral and material interests in their works - from legal rights recognized in intellectual property systems. Human rights are fundamental, inalienable and universal entitlements belonging to individuals, and in some situations groups of individuals and communities. Human rights are fundamental as they derive from the human person as such, whereas intellectual property rights derived from intellectual property systems are instrumental, in that they are a means by which States seek to provide incentives for inventiveness and creativity from which society benefits. In contrast with

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[b] Statement of the Committee on globalization and its impact on the enjoyment of economic, social and cultural rights (*Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. VI, para. 515).

[c] See, for example, the preambles to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. See also the second paragraph of the preamble of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held in June 1993 (A/CONF.157/24 (Part I), chap. III).

human rights, intellectual property rights are generally of a temporary nature, and can be revoked, licensed or assigned to someone else.[d] While intellectual property rights may be allocated, limited in time and scope, traded, amended and even forfeited, human rights are timeless expressions of fundamental entitlements of the human person. Whereas human rights are dedicated to assuring satisfactory standards of human welfare and well-being, intellectual property regimes, although they traditionally provide protection to individual authors and creators, are increasingly focused on protecting business and corporate interests and investments. Moreover, the scope of protection of the moral and material interests of the author provided for under article 15 of the Covenant does not necessarily coincide with what is termed intellectual property rights under national legislation or international agreements.

Equality and non-discrimination

7. Human rights are based on the equality of all persons and their equal standing before the law. For that reason, human rights instruments place great emphasis on protection against discrimination. Article 2, paragraph 2, and article 3 of the Covenant stipulate that States parties undertake to guarantee that the rights enunciated in the Covenant must be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to ensure the equal rights of men and women to the enjoyment of all the rights set forth in the Covenant.

8. A human rights-based approach focuses particularly on the needs of the most disadvantaged and marginalized individuals and communities. Because a human right is a universal entitlement, its implementation is evaluated particularly by the degree to which it benefits those who hitherto have been the most disadvantaged and marginalized and brings them up to the mainstream level of protection. Thus, in adopting intellectual property regimes, States and other actors must give particular attention at the national and international levels to the adequate protection of the human rights of disadvantaged and marginalized individuals and groups, such as indigenous peoples (see Statement on poverty and the International Covenant on Economic, Social and Cultural Rights, annex VII above, para. 11).

Participation

9. International human rights law includes the right of everyone to be consulted and participate in significant decision-making processes that affect them. The right to participate is reflected in numerous international instruments, including the International Covenant on Economic, Social and Cultural Rights (art. 13, para. 1) and the International Covenant on Civil and Political Rights (art. 25), as well as the Declaration on the Right to Development (art. 2, para. 3). Accordingly, the Committee supports the active and informed participation of all those affected by intellectual property regimes.

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[d] Report of the United Nations High Commissioner for Human Rights, "The impact of the Agreement on Trade-Related Aspects of Intellectual Property Rights on human rights" (E/CN.4/Sub.2/2001/13, para. 14).

Accountability

10. The Committee reiterates its position set out in its Statement on poverty and the Covenant that "rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window-dressing" (para. 14). While the State holds the primary duty to respect, protect and fulfil human rights, other actors, including non-State actors and international organizations, carry obligations, which must be subject to scrutiny. Accordingly, the adequate protection of human rights needs accessible, transparent and effective accountability mechanisms to ensure that rights are respected, and where they are not, that victims can find redress. A human rights approach to intellectual property requires that all actors are held to account for their obligations under international human rights law, specifically with regard to the adoption, interpretation and implementation of intellectual property systems.

General legal obligations

11. In the context of intellectual property, it should be noted that while the Covenant provides for progressive realization and acknowledges the constraints due to limits on available resources, it also imposes on States parties various obligations which have immediate effect, including core obligations.[e] Progressive realization over a period of time should not be interpreted as depriving States parties' obligations of all meaningful content. Rather, progressive realization means that States parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of all the rights enshrined in the Covenant. Accordingly, the Committee wishes to emphasize that national and international intellectual property regimes must be consistent with the obligation of States parties to ensure the progressive realization of full enjoyment of all the rights in the Covenant. Furthermore, all parties are urged to ensure that intellectual property regimes contribute, in a practical and substantive way, to the full realization of all the Covenant rights.

Core obligations

12. In this regard, it should also be recalled that paragraph 10 of the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), confirms that States parties have a "core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights" enunciated in the Covenant. As the Committee observes, without such a core obligation, the Covenant "would be largely deprived of its raison d'être". More recently, the Committee has begun to identify the core obligations arising from the "minimum essential levels" in relation to the rights to health, food and education.[f] The Committee wishes to emphasize that any intellectual property regime that

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[e] See, for example, the Committee's General Comments No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), No. 9 (1998) on the domestic application of the Covenant, No. 13 (1999) on the right to education (art. 13 of the Covenant) (paras. 43-44) and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) (paras. 30-32).

[f] General Comments No. 12 (1999) on the right to adequate food (art. 11 of the Covenant), No. 13 (1999) and No. 14 (2000).

makes it more difficult for a State party to comply with its core obligations in relation to health, food, education, especially, or any other right set out in the Covenant, is inconsistent with the legally binding obligations of the State party.

International cooperation and assistance

13. As the Committee confirmed in paragraph 45 of its General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), it is particularly incumbent on all those in a position to assist, to provide "international assistance and cooperation, especially economic and technical" (art. 2, para. 1, of the Covenant), in order to enable developing countries to fulfil their core obligations under the Covenant. Accordingly, it is incumbent upon developed States, and other actors in a position to assist, to develop international intellectual property regimes that enable developing States to fulfil at least their core obligations to individuals and groups within their jurisdictions. In this regard, the Committee reaffirms paragraphs 15 to 18 of its Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.

14. The Charter of the United Nations commits all nations to the development of an equitable and just international order that encourages peace, solidarity, social progress and better standards of life for all nations large and small. Article 28 of the Universal Declaration of Human Rights declares that everyone has the right to a social and international order in which the rights and freedoms in the Declaration can be enjoyed. Article 2, paragraph 1, and article 23 of the Covenant further state that States parties should engage in international cooperation in order to achieve progressively the rights enshrined in the Covenant. Article 15, paragraph 4, of the Covenant further recognizes the benefits to be derived from encouraging and developing international contacts and cooperation in the scientific and cultural fields.[g]

15. The Committee observes that countries enjoy different levels of development, resulting in different technological needs. While some countries might focus on the protection of technology, others may focus more on facilitating access. It is essential that intellectual property regimes facilitate and promote development cooperation, technology transfer and scientific and cultural collaboration. International rules concerning intellectual property should not necessarily be uniform if this might lead to forms of intellectual property protection inappropriate for development goals. The Committee encourages the adoption and implementation of effective international mechanisms for special and differential treatment for developing countries concerning intellectual property protection.

Self-determination

16. Article 1, paragraph 2, of the Covenant states that "[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation". National sovereignty over wealth and resources is an important prerequisite for the effective promotion and protection of human rights. In

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[g] The Covenant refers to "international assistance and cooperation", or similar formulations (art. 2, para. 1, art. 11, para. 2, art. 15, para. 4, and arts. 22 and 23).

negotiating, and adhering to, international treaties on intellectual property, States should consider how this will affect their sovereignty over wealth and resources and ultimately their capacity to ensure the rights enshrined in the Covenant.

Balance

17. Article 15 of the Covenant sets out the need to balance the protection of public and private interests in knowledge. On the one hand, paragraph 1 (*a*) and (*b*) recognizes the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications. On the other hand, paragraph 1 (*c*), recognizes the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author. When adopting and reviewing intellectual property systems, States should bear in mind the need to strike a balance between those concurrent Covenant provisions. In an effort to provide incentives for creation and innovation, private interests should not be unduly advantaged and the public interest in enjoying broad access to new knowledge should be given due consideration. The Committee notes that an example of this need to strike a balance can be found in the recent Declaration on the TRIPS Agreement and Public Health[h] (para. 3), which recognizes that intellectual property protection is important for the development of new medicines, but at the same time also recognizes the concerns about its effect on prices.

Conclusion

18. The Committee considers of fundamental importance the integration of international human rights norms into the enactment and interpretation of intellectual property law. Consequently, States parties should guarantee the social dimensions of intellectual property, in accordance with international human rights obligations to which they have committed themselves. An explicit commitment to do so and the establishment of a mechanism for a human rights review of intellectual property systems are important steps towards that goal.

19. There is a similar need for intergovernmental organizations to integrate international human rights obligations and principles into their policies, practices and operations. Conscious of the far-reaching importance and complexity of integrating human rights into the development of intellectual property regimes, the Committee confirms its willingness to discuss the issues identified in this statement with relevant actors and its availability to assist States parties and intergovernmental organizations in this process.

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[h] Adopted on 14 November 2001 by the Fourth Ministerial Conference, World Trade Organization, held at Doha (WT/MIN(01)/DEC/2).

ANNEX XIV

List of general comments adopted by the Committee on Economic, Social and Cultural Rights

The general comments adopted to date by the Committee appear in the following relevant reports:*

No. 1 (1989): on reporting by States parties (third session; E/1989/22-E/C.12/1989/5, annex III);

No. 2 (1990): on international technical assistance measures (art. 22, para. 1, of the Covenant) fourth session; E/1990/23-E/C.12/1990/3 and Corr.1, annex III);

No. 3 (1990): on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) (fifth session; E/1991/23-E/C.12/1990/8 and Corr.1, annex III);

No. 4 (1991): on the right to adequate housing (art. 11, para. 1, of the Covenant) (sixth session; E/1992/23-E/C.12/1991/4, annex III);

No. 5 (1994): on persons with disabilities (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex IV);

No. 6 (1995): on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22-E/C.12/1995/18, annex IV);

No. 7 (1997): on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions (sixteenth session; E/1998/22-E/C.12/1997/10, annex IV);

No. 8 (1997): on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22-E/C.12/1997/10, annex V);

No. 9 (1998): on domestic application of the Covenant (eighteenth session; E/1999/22-E/C.12/1998/26, annex IV);

No. 10 (1998): on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22-E/C.12/1998/26, annex V);

No. 11 (1999): on plans of action for primary education (art. 14 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex IV);

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* Published as *Official Records of the Economic and Social Council*.

No. 12 (1999): on the right to adequate food (art. 11 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr. 1, annex V);

No. 13 (1999): on the right to education (art. 13 of the Covenant) (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VI);

No. 14 (2000): on the right to the highest attainable standard of health (art. 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/22, annex IV).

ANNEX XV

List of statements adopted by the Committee on Economic, Social and Cultural Rights

The statements and recommendations adopted by the Committee to date appear in its relevant reports:*

1. Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (sixth session; E/1992/23-E/C.12/1991/4, chap. IX);

2. Statement to the World Conference on Human Rights on behalf of the Committee (seventh session; E/1993/22-E/C.12/1992/2, annex III);

3. The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (tenth session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V);

4. Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI);

5. Fourth World Conference on Women: Action for Equality, Development and Peace - Statement by the Committee (twelfth session; E/1996/22-E/C.12/1995/18, annex VI);

6. United Nations Conference on Human Settlements (Habitat II): Statement of the Committee (thirteenth session; E/1996/22-E/C.12/1995/18, annex VIII);

7. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22-E/C.12/1998/26; chap. VI, sect. A, para. 515);

8. Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII);

9. Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (twenty-second session; E/2001/22-E/C.12/2000/21, annex VIII);

10. Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex VII);

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* Published as *Official Records of the Economic and Social Council*

11. Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6 to 8 June 2001) (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex XI);

12. Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XII);

13. Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XIII).

ANNEX XVI

Days of general discussion held by the Committee on Economic, Social and Cultural Rights

The following issues have been the focus of discussion:

1. The right to food (third session, 1989);

2. The right to housing (fourth session, 1990);

3. Economic and social indicators (sixth session, 1991);

4. The right to take part in cultural life (seventh session, 1992);

5. The rights of the ageing and elderly (eighth session, 1993);

6. The right to health (ninth session, 1993);

7. The role of social safety nets (tenth session, 1994);

8. Human rights education and public information activities (eleventh session, 1994);

9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995);

10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996);

11. Revision of the general guidelines for reporting (sixteenth session, 1997);

12. The normative content of the right to food (seventeenth session, 1997);

13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998);

14. The right to education (nineteenth session, 1998);

15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000);

16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001).

ANNEX XVII

International consultation on economic, social and cultural rights in development activities of international institutions*

Report of the High Council for International Cooperation (France) following the international consultation on economic, social and cultural rights in development activities of international institutions

1. At the end of the day of general discussion, two major topics were suggested for future work. The first concerned setting up an international discussion forum on economic, social and cultural rights, and the second, proposals for promoting respect for and protection of economic, social and cultural rights.

A. Setting up an international discussion forum on economic, social and cultural rights

The place of economic, social and cultural rights in the concept of development

2. This concerns a new global social contract. The aim is to recognize the diversity of approaches to development policies, particularly with regard to liberalization policies. A central issue is the relationship between growth and redistribution. Alongside growth, equality and non-discrimination must constitute the keynotes of any policy.

The justiciability of economic, social and cultural rights

3. Discussions focused on potential conflict between desirable objectives and practical possibilities with regard to economic, social and cultural rights. The issue now is not so much the differentiation between civil and political rights and economic, social and cultural rights, underlying the differentiation between the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, for which implementation modalities were established in 1966. The universality of rights has been recognized. With due regard for specific situations, all rights in principle may be considered to be immediately applicable. They should all be justiciable and directly applicable before the courts. This is already the case for many economic, social and cultural rights.

Appeal bodies and the acceptance of an international complaints system

4. The current difficulty resides in the acceptance of an international complaints system. The situation has considerably evolved, however, since the 1953 discussion on the complaints procedure before the International Court of Justice. There is much to be learnt from the arbitration bodies of the International Labour Organization, the European Court of Justice, the

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* At the twenty-fifth session of the Committee, the day of general discussion was devoted to the international consultation on 7 May 2001 (see chap. V above).

establishment of the International Criminal Court, the latest approaches to impunity, the World Trade Organization's Dispute Settlement Body and the discussion concerning that body's powers, and the universal competence of Belgian courts, amongst others.

Reconciling conflicting rights

5. This question has come to the fore with the formalization of new rights. Many illustrations were given, such as the right to health in relation to the right to intellectual property in the case of generic medicines; the right to rehousing in the event of eviction in relation to the right to property, etc. How should a hierarchy of rights be drawn up in relation to values and situations? The importance of public debate and the mobilization of civil societies were stressed with regard to debt and AIDS treatment.

The evaluation of public policies and international agencies

6. The recognition of economic, social and cultural rights requires a fresh approach to evaluations and gives them a unified framework. In this respect, evaluation modalities become particularly significant, with regard to the independence of evaluation bodies in relation to the agencies, to public, adversarial debate allowing the participation of different social actors, and to diversity of expertise.

The legitimacy of the international system and international agencies

7. The question was raised of the legitimacy of the international system and the architecture of international agencies. This question has become more topical with the development of globalization. The Universal Declaration of Human Rights may be a decisive element in discussions on legitimacy and its implications worldwide. In this respect, it is worth considering the problems that arise from joint responsibility in global economic matters; this issue has been raised on several occasions in the last 20 years, especially in the context of debt crisis management.

B. Proposals for promoting respect for and protection of economic, social and cultural rights

To encourage States to incorporate economic, social and cultural rights in their strategic policies

8. Several national measures were advocated in this respect. The Office of the United Nations High Commissioner for Human Rights proposed that a person should be appointed in every ministry and in every country in order to ensure that strategic decisions and documents are compatible with respect for rights and in order to promote a rights-based approach. That person could even be considered as a correspondent of the Office of the High Commissioner. Furthermore, countries could be provided with expert support to coordinate their different international commitments and to strengthen their power of negotiation. It was also proposed that all international agreements be systematically submitted to parliamentary supervision and public debate in all the countries concerned.

To consider that all international agencies, regardless of their function, must respect international covenants and agreements

9. Many measures applying to international specialized agencies were discussed. The legal debate on the obligations of international agencies arising from the Universal Declaration of Human Rights and from international covenants and agreements, which began at the meeting, is to be continued. The direct responsibility of States that have signed such treaties must be reaffirmed, particularly in the case of States holding a special position on the decision-making bodies or membership of the agencies concerned. This reaffirmation implies sharper vigilance on the part of associations monitoring such matters, which are responsible for alerting public opinion. Other measures concerned the question of bodies responsible for assessing the policies of international agencies, the publication of an annual report on respect for human rights in the activities of international agencies, and the participation of significant civil society bodies in those assessments. The appointment of experts to monitor specific rights might be a way of strengthening the partnership between the Office of the High Commissioner and international specialized agencies.

To ensure the compatibility of Poverty Reduction Strategy Papers with human rights

10. Several of the measures advocated concerned economic instruments and more particularly Poverty Reduction Strategy Papers. The Office of the High Commissioner has already started to assess a number of strategy papers from the point of view of respect for human rights. A working group might be set up to study the respect for rights in strategy papers: for example, what would a Poverty Reduction Strategy Paper based on economic, social and cultural rights be like? The aim would be to start discussions with the World Bank and the International Monetary Fund at the global level of the programme for alleviating the debt of heavily indebted poor countries, with a view to integrating strategy papers and economic, social and cultural rights, for countries that agree to this. A joint expert group was set up with the United Nations Educational, Scientific and Cultural Organization on monitoring the right to education. Other measures were suggested, especially to replace conditionalities by a joint approach and negotiated agreements and to "sanctuarize" health and education expenditure in adjustment programmes, in order to maintain the quantitative targets of the Millennium Summit.

To mobilize societies for the defence and protection of economic, social and cultural rights

11. Several measures were recalled concerning the mobilization of civil societies. They included the universality of civil and political as well as economic, social and cultural rights, in the construction of a universal conscience based on common values. A special appeal is to be made to researchers, academics and intellectuals to make a particular study of concepts linking the universality of rights with the specificity of cultures and situations. Mobilizing public opinion requires public debate and commitment; associations, civil society representations and the media must play a special role in this respect. The idea of building a global public opinion is still very theoretical. It implies paying special attention to possible action by associations in the global system and the manner in which human rights questions are dealt with in the international media.

To ensure respect for economic, social and cultural rights by guaranteeing equal access to basic social services

12. This aspect was brought up several times but never discussed in great detail. The matter has to be considered on three levels: local, national and global. The discussion centred not so much on the importance or the existence of social services, which are generally accepted. It concerned access policies, forms of organization, links with the market and the role of different actors. Discussions focused on the question of how to finance basic services, assuming equal access. The question of global public goods from this point of view opens up future avenues for discussion. The High Council for International Cooperation offered to follow up the question and invited any interested participants to attend the September 2001 seminar on the subject.

To reactivate the procedure for adopting an additional protocol to the International Covenant on Economic, Social and Cultural Rights

13. The World Conference on Human Rights, held in Vienna in 1993, asked the Committee on Economic, Social and Cultural Rights to prepare a draft optional protocol to the Covenant. This draft was prepared and adopted by the Committee at the end of 1996[a] and submitted to the Commission on Human Rights. It covered many themes regarding significant advances in economic, social and cultural rights. Owing to a lack of interest on the part of States, however, the procedure ground to a halt. It could now be reactivated by mobilizing the associations concerned and submitting the matter back to the States. The question would need to be looked at on the three levels: local, national and global. It would also provide an opportunity, in public discussion, to highlight the importance of economic, social and cultural rights within human rights as a whole. It would also be a way of drawing attention to the value and topicality of a human rights-based approach in economic and social strategies and policies.

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[a] See *Official Records of the Economic and Social Council, 1997, Supplement No. 2* (E/1997/22-E/C.12/1996/6), annex IV.

ANNEX XVIII

A. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-fifth session

VENEZUELA

Representative:

Mr. Werner Corrales Leal
Ambassador
Permanent Representative of Venezuela to the
United Nations Office at Geneva

Advisers:

Mr. Victor Rodríguez Cedeño
Ambassador
Deputy Permanent Representative of Venezuela to
the United Nations Office at Geneva

Mr. José Avendaño Timaury
Director of Domestic Policy
Ministry of the Interior and Justice

Ms. Doris Francia
Director for Human Rights
Ministry of the Interior and Justice

Mr. Francisco Durán
Vice Minister of Health and Social Development

Ms. Maryann Hanson
Vice Minister for Educational Affairs
Ministry of Education, Culture and Sports

Ms. Betty Josefina Torres Díaz
Counsellor
Ministry of Labour

Mr. Germán Saltrón
Director-General
Ombudsman's Office

Ms. Hillys López de Penso
Deputy Attorney-General of the Republic

Ms. Ishbak Madai Hernández
Counsellor
Permanent Mission of Venezuela to the
United Nations Office at Geneva

Mr. Vladimir González Villaparedes
Second Secretary
Permanent Mission of Venezuela to the
United Nations Office at Geneva

HONDURAS *Representative*: Mr. Roy Edmundo Medina
Attorney-General of the Republic
Head of Delegation

Advisers: Ms. Olmeda Rivera Ramírez
Ambassador
Permanent Representative of Honduras
to the United Nations Office at Geneva

Ms. Gracibel Bú Figueroa
Counsellor of the Permanent Mission of
Honduras to the United Nations Office at Geneva

Mr. Armando Euceda
Deputy Secretary of State
Department of Education

Mr. Octavio Salomón Núñez
Director-General for Special Affairs
Secretariat for Foreign Relations

Mr. Mauricio R. Aguilar Robles
Director for Human Rights and
Drug Trafficking Affairs
Secretariat for Foreign Relations

Ms. Teodolinda Pineda
Executive Director
Honduran Institute for Children and the Family
(IHNFA)

Mr. Jorge Ponce Turcios
Special Advisor
State Secretariat
Departments of Labour and Social Security

Mr. Sergio A. Carias
Director
Planning and Management Evaluation Unit
State Secretariat in the Department of Health

		Ms. Edna Ortega Technical Assistant Social Intervention Programme (IHNFA)
HONG KONG	*Representative*:	Mr. W.K. Lam Team Leader Secretary for Home Affairs Home Affairs Bureau
	Advisers:	Mr. R.C. Allcock Deputy Team Leader Solicitor General Department of Justice
		Mr. Stephen Wong Deputy Solicitor General Department of Justice
		Ms. Amy Chan Senior Government Counsel Department of Justice
		Ms. Elaine Chung Deputy Secretary for Housing Housing Bureau
		Ms. Erica Ng Principal Assistant Secretary Education and Manpower Bureau
		Ms. Diane Wong Principal Assistant Secretary Health and Welfare Bureau
		Ms. Brenda Fung Principal Assistant Secretary Health and Welfare Bureau
		Mr. John Dean Principal Assistant Secretary Home Affairs Bureau
		Mr. David Chan Chief Information Officer Home Affairs Bureau

REPUBLIC OF KOREA

Representative:

Mr. Eui yong Chung
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Republic of Korea to the United Nations Office at Geneva

Advisers:

Mr. Gil-sou Shin
Counsellor
Permanent Mission of the Republic of Korea to the United Nations Office at Geneva

Mr. Seung-cheol Han
Counsellor (legal affairs)
Permanent Mission of the Republic of Korea to the United Nations Office at Geneva

Mr. Chan-jin Moon
Counsellor (health)
Permanent Mission of the Republic of Korea to the United Nations Office at Geneva

Mr. Kang-il Huh
First Secretary
Permanent Mission of the Republic of Korea to the United Nations Office at Geneva

Mr. Sung-ki Yi
First Secretary (labour)
Permanent Mission of the Republic of Korea to the United Nations Office at Geneva

Mr. Dal-ho Chung
Director-General for International Organizations
Ministry of Foreign Affairs and Trade

Mr. Kyung-wha Kang
Deputy Director-General for International Organizations
Ministry of Foreign Affairs

Mr. Hun-soo Kim
Director
Planning and Budget Division
Ministry of Labour

Ms. Ki-soon Lee
Director
Women's Rights Planning Division
Ministry of Gender Equality

Mr. Nak-young Oh
Deputy Director
Human Rights and Social Affairs Division
Ministry of Foreign Affairs and Trade

Mr. Man-kee Min
Deputy Director
Human Rights Division
Ministry of Justice

Mr. Suk-kyu Lee
Deputy Director
International Cooperation Division
Ministry of Health and Welfare

Mr. Hae-young Chung
Assistant Director
International Cooperation Division
Ministry of Labour

Ms. Yun-ye Cho
International Relations Office
Ministry of Gender Equality

Mr. Kyung-seo Park
Ambassador for Human Rights

BOLIVIA

Representative:
Mr. Luis Eduardo Serrate Céspedes
Deputy Minister for Human Rights
Head of Delegation

Advisers:
Ms. Florencia Ballivián de Romero
Ambassador
Permanent Representative of Bolivia to the
United Nations Office at Geneva

Mr. Pedro Gumucio Dagrón
Minister Counsellor (political and social affairs)
Permanent Mission of Bolivia to the
United Nations Office at Geneva

Mr. Álvaro Camacho
Expert from the Public Administration

B. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-sixth session

SYRIAN ARAB REPUBLIC	*Representative*:	Mr. Toufik Salloum Ambassador Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva
	Advisers:	Mr. Abboud Sarraj Dean of the Damascus Law Faculty
		Mr. Fayçal Khabbaz-Hamoui Minister Counsellor Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva
		Mr. Ibrahim Ibrahim Minister Counsellor Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva
PANAMA	*Representative*:	Mr. Anel Beliz Ambassador Permanent Representative of Panama to the United Nations Office at Geneva
UKRAINE	*Representative*:	Mr. Volodinir Pavlishin Head of Delegation Director Department on Social Partnership Ministry of Labour and Social Policy
	Advisers:	Mr. Mykhailo Osnach Deputy Permanent Representative Permanent Mission of Ukraine to the United Nations Office at Geneva
		Ms. Ivanna Markina Second Secretary Permanent Mission of Ukraine to the United Nations Office at Geneva

Mr. Oleksandr Yurpolskyi
Deputy Director
State Department on Nationalities
and Migration Issues
Ministry of Justice

Mr. Gennadyi Zuhravyi
Head of the Department on Nationalities
State Department on Nationalities
and Migration Issues
Ministry of Justice

Mr. Vyacheslav Phrolov
Director
Department on Economic Issues
Ministry of the Economy

Mr. Yaroslav Boliubash
First Deputy Head
Department of Higher Education
Ministry of Education and Science

Ms. Oksana Krasnovid
Attaché
Department of International Organizations
Ministry of Foreign Affairs

NEPAL

Representative:

Mr. Shambhu Ram Simkhada
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Nepal to the
United Nations Office at Geneva

Advisers:

Mr. Nabin Bahadur Shrestha
Minister Counsellor and Deputy Chief of Mission
Permanent Mission of Nepal to the
United Nations Office at Geneva

Mr. Suresh Man Shrestha
Deputy Permanent Representative
Permanent Mission of Nepal to the
United Nations Office at Geneva

JAPAN

Representative:

Mr. Koichi Haraguchi
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the
United Nations Office at Geneva

Advisers:

Mr. Yasuaki Nogawa
Minister
Deputy Permanent Representative
Permanent Mission of Japan to the
United Nations Office at Geneva

Mr. Masatoshi Tsunaki
Director
General Affairs Division
Gender Equality Bureau
Cabinet Office

Mr. Michio Sakai
Director
Human Rights Promotion Division
Human Rights Bureau
Ministry of Justice

Mr. Hiroyasu Izumi
Director
Human Rights and Humanitarian Affairs Division
Multilateral Cooperation Department
Foreign Policy Bureau
Ministry of Foreign Affairs

Mr. Masaru Watanabe
Counsellor
Permanent Mission of Japan to the
United Nations Office at Geneva

Ms. Chihoko Asada
Investigation Officer
General Affairs Division
Equal Employment, Children and Family Bureau
Ministry of Health, Labour and Welfare

Mr. Atsuhiko Beppu
Counsellor
Permanent Mission of Japan to the
United Nations Office at Geneva

Mr. Fumiaki Saito
Investigation Officer
International Affairs Division
Ministry of Health, Labour and Welfare

Ms. Sanae Aoki
Director
Office of Student Guidance Policy
Student Affairs Division
Elementary and Secondary Education Bureau
Ministry of Education, Culture, Sports, Science
and Technology

Mr. Hiroshi Morimoto
Deputy Director
Secretarial Division
Minister's Secretariat
Ministry of Justice

Mr. Nobuhiro Watanabe
Assistant Director
Human Rights and Humanitarian Affairs Division
Multilateral Cooperation Department
Foreign Policy Bureau
Ministry of Foreign Affairs

Mr. Takashi Shibuya
First Secretary
Permanent Mission of Japan to the
United Nations Office at Geneva

Mr. Mutsuo Kawai
Deputy Director
International Division for Infrastructure
Policy Bureau
Ministry of Land, Infrastructure and Transport

Mr. Keiji Inoue
Deputy Director
International Affairs Division
Minister's Secretariat
Ministry of Education, Culture, Sports,
Science and Technology

Mr. Yoshihito Amano
Police Superintendent
Juvenile Division
Community Safety Bureau
National Police Agency

Ms. Junko Yamashita
Official
Human Rights and Humanitarian Division
Multilateral Cooperation Department
Foreign Policy Bureau
Ministry of Foreign Affairs

Mr. Shinichiro Mori
Director General
Policy Planning and Evaluation (Section Chief)
Office of Counsellor for Social Security Division
Ministry of Health, Labour and Welfare

Ms. Mitsue Numoto
Official
Office of International Affairs
Secretarial Division
Ministry of Justice

Ms. Naoko Maeda
Special Assistant
Permanent Mission of Japan to the
United Nations Office at Geneva

Mr. Derek Seklecki
Political Staff
Permanent Mission of Japan to the
United Nations Office at Geneva

GERMANY *Representative*: Mr. Walter Lewalter
Ambassador
Permanent Representative of Germany to the
United Nations Office at Geneva

Advisers: Mr. Peter Rothen
First Counsellor
Permanent Mission of Germany to the
United Nations Office at Geneva

Mr. Robert Dieter
First Secretary
Permanent Mission of Germany to the
United Nations Office at Geneva

Mr. Dietrich Willers
Head of Department
Federal Ministry of Labour and Social Affairs

Mr. Almut Wittling-Vogel
Permanent Deputy Agent for Human Rights
Federal Ministry of Justice

Mr. Jürgen Haberland
Head of Department
Federal Ministry of the Interior

Ms. Renate Augstein
Head of Department
Ministry for Family Affairs, Senior Citizens, Women and Youth

Mr. Walter Lindner
Deputy Head of Department
Federal Foreign Ministry

Ms. Daniela Kuck-Schneemelcher
First Secretary
Federal Ministry of Labour and Social Affairs

C. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-seventh session

SWEDEN	*Representative:*	Ms. Lise Bergh State Secretary for Gender Equality Head of Delegation Ministry of Industry, Employment and Communications
	Advisers:	Mr. Lars Bäck Political Adviser for Gender Equality Affairs Ministry of Industry, Employment and Communications
		Mr. Göran Lindqvist Deputy Director Ministry of Industry, Employment and Communications
		Mr. Anders Sälsby Deputy Director Ministry of Industry, Employment and Communications

		Ms. Annika Mansnérus Desk Officer Ministry of Health and Social Affairs
		Ms. Hedvig Trost Legal Advisor Ministry of Justice
		Ms. Ingrid Lindskog Deputy Director Ministry of Education and Science
		Ms. Myrna Smitt Deputy Director Ministry of Education and Science
		Ms. Sophia Ahlberg Desk Officer Ministry for Foreign Affairs
COLOMBIA	*Representative:*	Mr. Manuel Fernando Castro Adviser to the Director-General National Planning Department
ALGERIA	*Representative:*	Mr. Mohamed-Salah Dembri Ambassador Extraordinary and Plenipotentiary Permanent Representative of Algeria to the United Nations Office at Geneva Head of Delegation
	Advisers:	Mr. Wahid Laraba General Secretary a.i. Ministry of Social Action and Solidarity
		Mr. Mohamed Berrah Minister Counsellor Permanent Mission of Algeria to the United Nations Office at Geneva
		Mr. Brahim Lakrouf Director Ministry of the Interior and Local Collectivities
		Mr. Mouloud Megrerouche Director Ministry of Labour and Social Security

Ms. Fadela Ladjel
Director
Ministry of Housing and Urban Affairs

Mr. Abdelaziz Boudiaf
Director of Research
Ministry of Professional Training

Ms. Leila Boumeghar
Research Officer
Ministry of Justice

Ms. Samira Hadj Dillali
Research Officer
Ministry of Communication and Culture

Ms. Fatma Zohra Chaieb
Research Officer
Ministry of Health

Mr. Mohamed El Amine Bencherif
Deputy Director for Human Rights and
Humanitarian Affairs
Ministry for Foreign Affairs

Ms. Nadia Lamrani
Diplomatic Secretary
General Directorate for Multilateral Relations
Ministry for Foreign Affairs

FRANCE

Representative:
Mr. Patrick Henault
Ambassador for Human Rights Questions

Advisers:
Mr. Bernard Kessedjian
Ambassador
Permanent Representative of France to the
United Nations Office at Geneva

Ms. Michèle Dubrocard
Deputy Director for Human Rights
Directorate of Legal Affairs

Ms. Valérie Fontaine
Chargée de mission at the International and Human Rights Sector
Office of the Ombudsman (*Le Médiateur de la République*)

Ms. Frédérique Doublet
Chief of the Office of Comparative and International Law Directorate of Civil Liberties and Legal Affairs
Ministry of the Interior

Ms. Sarah Pellet
Chargée de mission
National Consultative Commission on Human Rights

Mr. Michel Alessio
Chargé de mission for Regional Languages
Délégation générale à la langue française
Ministry of Culture

Mr. André Guyetan
Deputy to the Chief of the Office of the Directorate for International Relations and Cooperation
Ministry of National Education, Research and Technology

Mr. Edwin Matutano
Legal writer
Civil and Legal Affairs Directorate
Ministry of Justice

Ms. Olivia Wingert
Magistrate for Human Rights
Office of European and International Affairs
Ministry of Justice

Ms. Marie-Christine Coent
Chief of the Office of Multilateral Affairs
Directorate for European and International Affairs
Ministry of Employment and Solidarity

Ms. Nadia Marot
Chief of the Office for International Affairs
Population and Migration Directorate
Ministry of Employment and Solidarity

Mr. Robert Mounier-Vehier
Chargé de mission
Labour Relations Office
Ministry of Employment and Solidarity

Ms. Annie Badouart
Chief, Social Policy Office
Office of Urban Development and Housing
Ministry of Infrastructure

Mr. Xavier Dupont
Assistant to the Deputy Director for Social
Integration and Anti-Marginalization Policy
General Directorate for Social Action
Ministry of Employment and Solidarity

Mr. Alain Puzenat
State Secretariat for Overseas Affairs

Mr. Patrick Desseix
General Directorate for International Cooperation
and Development
Ministry for Foreign Affairs

Ms. Virginie Bahnik
Permanent Mission of France to the
United Nations Office at Geneva

CROATIA

Representative:

Mr. Nino Žganec
Assistant Minister of Labour and Social Welfare

Advisers:

Ms. Sanja Crnković
Director
Croatian Employment Bureau

Ms. Lidija Lukina Karajković
Assistant Minister of Justice, Administration and
Local Self-Government

Mr. Zlatko Ljubić
Assistant Minister for Education and Sports

Ms. Ksenija Zeman
Head of Department
Ministry of Health

Mr. Branko Sočanac
Head of Department
Ministry of Foreign Affairs

Ms. Mira Lenardic
Secretary
Ministry for Public Works, Reconstruction and
Construction

Ms. Dejana Bouillet
Assistant Director
State Bureau for the Protection of Family,
Maternity and Youth

Ms. Anica Hunjet
Head of Department for Higher Education
Ministry of Science and Technology

Ms. Spomenka Cek
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Croatia to the
United Nations Office at Geneva

Ms. Vesna Kos
First Secretary
Permanent Mission of Croatia to the
United Nations Office at Geneva

ANNEX XIX

A. List of documents of the Committee at its twenty-fifth session

E/1990/5/Add.40	Initial reports submitted by States parties to the Covenant: Honduras
E/1990/5/Add.43	Idem: China (Hong Kong Special Administrative Region)
E/1990/5/Add.44	Idem: Bolivia
E/1990/6/Add.19	Second periodic reports submitted by States parties to the Covenant: Venezuela
E/1990/6/Add.23	Idem: Republic of Korea
E/2001/22-E/C.12/2000/21	Report of the Committee on its twenty-second, twenty-third and twenty-fourth sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2001/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2001/2	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2001/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2001/4	Background paper submitted by Mr. Fantu Cheru (American University, Washington, D.C.): "Gender equality and globalization: understanding complex dimensions of opportunity and challenge"

E/C.12/2001/5	Discussion paper by Ms. Isabelle Daugareilh (Centre national de la recherche scientifique, Bordeaux, France) and Ms. Alice Sindzingre (Centre national de la recherche scientifique, Paris) : "Strategies for the development and revival of economic and social rights"
E/C.12/2001/6	Background paper submitted by Mr. Hamish Jenkins, Non-Governmental Liaison Service: "Global economic governance and national policy autonomy in the pursuit of economic, social and cultural rights"
E/C.12/2001/7	Discussion paper submitted by Mr. Nuri Albala (International Association of Democratic Lawyers and Observatoire de la mondialisation, Paris): "The citizen and the State: the duty to ensure the primacy of human rights in any international negotiation"
E/C.12/2001/8	Background paper submitted by Mr. Alfredo Sfeir-Younis (Special Representative of the World Bank to the United Nations and the World Trade Organization, Geneva, Switzerland): "Economic, social and cultural rights and development strategies: human rights economics in international relations"
E/C.12/2001/9	Background paper submitted by Mr. Michel Dispersyn (Free University of Brussels, Universities of Bordeaux and Nantes): "The social dimension of the European Union's Generalized System of Preferences (GSP)"
E/C.12/2001/10	Poverty and the International Covenant on Economic, Social and Cultural Rights: statement adopted by the Committee on 4 May 2001
E/C.12/2001/L.1/Rev.1	Programme of work: note by the Secretary-General
E/C.12/2001/NGO/1	Written statement on the situation of economic, social and cultural rights in the Republic of Korea jointly submitted by Pax Romana, a non-governmental organization in special consultative status with the Economic and Social Council, and by Citizen's Network for Cultural Reform, Council for Representatives of Health Care Organizations, Green Korea United, Joint Committee for Migrant Workers in Korea, Korea Center for City and Environment Research, Korea Women's Associations United, Korean Confederation of Trade Unions,

	Korean Federation for Worker's Safety and Health, Korean People's Artists Federation, Korean Teachers' and Educational Workers' Union, Lawyers for a Democratic Society, National Association of Professors for a Democratic Society, People's Solidarity for Participatory Democracy, People's Solidarity for Social Progress, Research Institute for Differently Abled Peoples' Rights in Korea, Sarangbang Group for Human Rights, Struggle Network for Migrant Workers' Rights and Freedom
E/C.12/Q/BOL/1	List of issues: Bolivia
E/C.12/Q/HKSAR/1	Idem: China (Hong Kong Special Administrative Region)
E/C.12/Q/HON/1	Idem: Honduras
E/C.12/Q/REPOFKOR/2	Idem: Republic of Korea
E/C.12/Q/VEN/1	Idem: Venezuela
E/C.12/1/Add.56	Concluding observations of the Committee: Venezuela
E/C.12/1/Add.57	Idem: Honduras
E/C.12/1/Add.58	Idem: China (Hong Kong Special Administrative Region)
E/C.12/1/Add.59	Idem: Republic of Korea
E/C.12/1/Add.60	Idem: Bolivia
E/C.12/1/Add.61	Idem: Togo (non-reporting State)
E/C.12/2001/SR.1-29/Add.1 and E/C.12/2001/ SR.1-29/Add.1/Corrigendum	Summary records of the twenty-fifth session (1st to 29th meetings) of the Committee

B. List of documents of the Committee at its twenty-sixth session

E/1989/5/Add.14	Additional information submitted by States parties to the Covenant following the consideration of their reports by the Committee: Israel
E/1990/5/Add.45	Initial reports submitted by States parties to the Covenant: Nepal
E/1990/6/Add.21 and Corr.1	Second periodic reports submitted by States parties to the Covenant: Japan

E/1990/6/Add.24	Idem: Panama
E/1990/6/Add.25	Idem: Senegal
E/1994/104/Add.23	Third periodic reports by States parties to the Covenant: Syrian Arab Republic
E/C.12/4/Add.2	Fourth periodic reports by States parties to the Covenant: Ukraine
E/C.12/4/Add.3	Idem: Germany
E/2001/22-E/C.12/2000/21	Report of the Committee on its twenty-second, twenty-third and twenty-fourth sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2001/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2001/11	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2001/12	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2001/SA/1	Note by the Secretary-General: twenty-eighth report of the International Labour Organization
E/C.12/2001/L.2/Rev.1	Programme of work: note by the Secretary-General

E/C.12/2001/NGO/2	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization on the Roster of the Economic and Social Council
E/C.12/2001/NGO/3	Written statement submitted by Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), a non-governmental organization in special consultative status with the Economic and Social Council
E/C.12/2001/NGO/4	Written statement on the situation of economic, social and cultural rights in Japan jointly submitted by the International Association of Democratic Lawyers, a non-governmental organization in special consultative status with the Economic and Social Council, and the Japanese Workers' Committee for Human Rights
E/C.12/Q/GER/2	List of issues: Germany
E/C.12/Q/JAP/1	Idem: Japan
E/C.12/Q/NEP/1	Idem: Nepal
E/C.12/Q/PAN/1	Idem: Panama
E/C.12/Q/SEN/1	Idem: Senegal
E/C.12/Q/SYR/1	Idem: Syrian Arab Republic
E/C.12/Q/UKR/2	Idem: Ukraine
E/C.12/1/Add.62	Concluding observations of the Committee: Senegal
E/C.12/1/Add.63	Idem: Syrian Arab Republic
E/C.12/1/Add.64	Idem: Panama
E/C.12/1/Add.65	Idem: Ukraine
E/C.12/1/Add.66	Idem: Nepal
E/C.12/1/Add.67	Idem: Japan
E/C.12/1/Add.68	Idem: Germany
E/C.12/1/Add.69	Idem: Israel

E/C.12/2001/SR.30-58/Add.1 and E/C.12/2001/SR.30-58/Add.1/Corrigendum	Summary records of the twenty-sixth session (30th to 58th meetings) of the Committee

C. List of documents of the Committee at its twenty-seventh session

E/1990/5/Add.46	Initial reports submitted by States parties to the Covenant: Croatia
E/1990/6/Add.26	Second periodic reports submitted by States parties to the Covenant: Algeria
E/1990/6/Add.27	Idem: France
E/1990/6/Add.28	Idem: Jamaica
E/C.12/4/Add.4	Fourth periodic reports by States parties to the Covenant: Sweden
E/C.12/4/Add.6	Idem: Colombia
E/2001/22-E/C.12/2000/21	Report of the Committee on its twenty-second, twenty-third and twenty-fourth sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.5	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2001/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2001/13	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2001/14	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General

E/C.12/2001/15	Human rights and intellectual property: statement by the Committee
E/C.12/2001/16	Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination, Madrid, 23-25 November 2001
E/C.12/2001/L.3/Rev.1	Programme of work: note by the Secretary-General
E/C.12/Q/ALG/1	List of issues: Algeria
E/C.12/Q/COL/2	Idem: Colombia
E/C.12/Q/CRO/1	Idem: Croatia
E/C.12/Q/FRA/1	Idem: France
E/C.12/Q/JAM/1	Idem: Jamaica
E/C.12/Q/SWE/2	Idem: Sweden
E/C.12/1/Add.70	Concluding observations of the Committee: Sweden
E/C.12/1/Add.71	Idem: Algeria
E/C.12/1/Add.72	Idem: France
E/C.12/1/Add.73	Idem: Croatia
E/C.12/1/Add.74	Idem: Colombia
E/C.12/1/Add.75	Idem: Jamaica
E/C.12/2001/SR.59-87 and E/C.12/2001/ SR.59-87/Corrigendum	Summary records of the twenty-seventh session (59th to 87th meetings) of the Committee

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